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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. HARRIS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

March 29, 2004.

I hereby appoint the Honorable KATHERINE HARRIS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

OTHER PEOPLE'S ELECTIONS

Mr. STEARNS. Madam Speaker, today I reflect on some of the recent elections held in other countries. While citizens of other countries may have different values about the level of government intervention in areas, let us say in economics or labor rights, overwhelmingly, most citizens of the world would prefer to live in a democracy than a totalitarian-run system. This was presented last summer by the Pew Research Center for the People in the Press. Pew Research Center inter-

viewed over 66,000 people in 44 countries over 2 years. The majority demonstrated strong preferences in democratic governments, even in Muslim countries.

Over the past 3 weeks, other people have elected leaders, sometimes new, sometimes the incumbent. I wish for all, of course, to live under the same sunshine of freedom that we in the United States have here.

In Taiwan Saturday, March 20, incumbent President Chen, Taiwan's pro-independence leader, was declared to have won by a slim margin, just a hair over 50 percent. This election was preceded by threats from mainland China and Chen's international detractors, and jittery nerves by many who urged "don't rock the boat." On election eve, President Chen and his Vice President were shot in a craven attack.

The aftermath of the election is a little calmer: there are street protests and a recount is imminent. Also, in a win for China, though, election authorities nullified the results of a controversial referendum championed by the President because too few voters took part in it.

However, I still see some optimism. The apparent reelection of Chen is sending a message both to Beijing and Washington: while not outright declaring independence, China's people are standing up for their status as a sovereign body; they are not completely buying into Beijing's domineering "One China" policy. Further, I find it telling that while an insufficient number voted in the referendum, of those who did, 90 percent pulled the yes lever to the two questions: one, whether to try to set up a framework for direct talks with China; and, two, whether to buy more advanced weapons if China refuses to move missiles aimed at their island. I wish President Chen every success in my support of his leading his people to a democracy.

Now, let us look at Spain. I understand the emotional and political tu-

mult in which Spain found themselves on March 11 and after. However, I am discouraged that circumstances influenced the election the way they did, for the singular reason that the Spaniards appear to think that the Socialist Party will bring them relief from the retributions of extreme Islamic fundamentalists. I sadly believe they are wrong. Gustavo de Aristegui wrote in The Washington Post on Sunday, March 21: "In 1984, I had a long talk with a high-ranking Sunni cleric in a mosque in Damascus. He was very friendly when he learned that I was a Spaniard. After 2 hours of conversation about politics and theology, which are very much intertwined in that part of the world, he said to me: 'Don't worry, we will liberate Spain from Western corruption.'"

The writer emphasized that this was a moderate, respected clergyman. Now, that is a chilling, foreshadowing, looking into the minds of those who would destroy that way of life in Spain.

Yet, what did Spaniards sacrifice in their election of the Socialist Party candidate? Since 1986, the Partido Popular turned from 21 percent unemployment down to 9 percent, foreign debt from 80 percent to less than 50 percent GDP, a deficit of 6.7 percent of GDP in 1996 to a 0.5 percent surplus in 2002, and a growing economy while much of the world experienced a downturn. This is the stuff that democracies are made of: living economically securely, planning futures, and thriving.

Like President Chen, I support our ally Spain and the new leadership that they have openly and fairly chosen. I only ponder that democracies also value economic prosperity, and capitulation to bullies may compromise that for which they have worked.

Heading east, President Putin won reelection in Russia this month. He has promised to translate his landslide reelection into concrete reforms: modernizing the economy, the bureaucracy,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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the banking system, utilities, health and social services. Last Monday President Bush called him to congratulate him and urge him to follow through on his reforms, to move forward towards his promises of market-based and democratic reform.

Madam Speaker, let us hope so. Like the leader of Taiwan, the leader of Spain, I wish the leader of Russia, President Putin, success; but I will define success as: how free are your people?

HOW FAST WILL THEY RUN?

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from Maryland (Mr. HOYER) is recognized during morning hour debates for 5 minutes.

Mr. HOYER. Madam Speaker, this week we are going to see just how committed our Republican friends are to the irresponsible budget that they passed 4 days ago.

Tomorrow, Democrats will offer a motion to instruct House conferees on the fiscal 2005 budget resolution to accept the Senate's bipartisan pay-as-you-go budget enforcement rules. Those rules would require us to find offsets for both new spending as well as tax cuts. As a matter of fact, one of the real authors of pay-as-you-go, the gentleman from California (Mr. GEORGE MILLER), in the 1990s is here, which led to the most fiscally responsible administration's performance, frankly, in history, under Bill Clinton. And with a projected budget deficit of more than a half a trillion dollars this year, it is fair to ask, What could be more reasonable than that?

After all, our bipartisan agreement to pay-as-you-go rules in 1990 led to the steady decrease of our deficits throughout that decade and 4 consecutive years of budget surpluses between fiscal 1998 and 2001, the first time that has happened in 80 years.

But in their budget resolution, our Republican friends pretend that we can get our fiscal house back in order by applying so-called pay-as-you-go rules to spending only. Tax cuts, they believe, are a freebie, even though the Congressional Budget Office has estimated that 40 percent of our deficit is attributable to revenue reductions. Who is going to pay that bill? Our children will pay that bill. Our grandchildren will pay that bill.

And even the respected chairman of the Committee on Appropriations, my friend, the gentleman from Florida (Mr. YOUNG), said in February, "No one should expect significant deficit reduction as a result of austere, nondefense discretionary spending limits. The numbers simply do not add up." So said the gentleman from Florida (Mr. YOUNG), conservative Republican.

So I urge my Republican friends: join us. Join us in this effort to restore fiscal sanity to our Nation's budget. Vote for this important Democratic motion to instruct. That is not so hard. And remember, you have done it before.

Last year, a mere 96 hours after you passed your fist 2004 budget resolution, you turned right around, 180 degrees, and voted for the Democratic motion to instruct conferees to reject the deep cuts called for in your budget for education, for veterans, Medicare, Medicaid, and other areas. The chairman of the Committee on the Budget, the gentleman from Iowa (Mr. NUSSLE), even stood on this floor and railed against our motion for half an hour. For half an hour he railed against our motion, before he and most of the Republican leadership flip-flopped and helped pass it by a vote of, listen to this, Madam Speaker, 399 to 22. That was the Democratic motion passing. Why? Because Republicans wanted to pretend that they were actually for the motion to instruct's priorities when their budget clearly denied that, contradicted it, did not provide for those priorities.

So I urge my Republican friends to support the adoption of pay-as-you-go rules which helped Democrats produce a budget for fiscal year 2005 that was both fair and responsible.

Our Democratic substitute would balance the budget within 8 years. The Republican resolution would actually increase our deficits. Our Democratic budget would protect Social Security. Our democratic budget would match the Republican budget on defense spending to ensure our national security and provide nearly \$6 billion more over 5 years for homeland security to ensure that our people here at home are safer. Our Democratic budget would provide tax relief for hard-working families; and our budget, the Democratic budget, even as it reins in deficits caused by the Republican Party's failed policies, would provide more resources than the Republican budget for education, veterans, job training, public health, and infrastructure, the last, of course, being extraordinarily effective jobs-producing.

Finally, Madam Speaker, we also will consider this week, as I have said, the transportation reauthorization bill, which will pass, I predict, with wide bipartisan support, but leave both Democrats and some Republicans shaking their heads.

This is not only a bill about infrastructure, critically important to our economy, critically important to the safety of this Nation, critically important to every American; it is also a jobs bill. Democrats and some Republicans, including the chairman of the Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG), himself supported a spending level of \$375 billion, which would have created 1.7 million new jobs.

Why is that important? Because for the first time in 75 years since Herbert Hoover, the first time, this is the first administration in three-quarters of a century that will end its 4-year term having lost jobs net in this economy. That is why we have over 8 million people unemployed and 2.5 million jobs

lost. Yet, the President, who has the worst record of job creation since Herbert Hoover threatened a veto of that jobs-creating bill, demanding a funding level that would create 1.1 million fewer new jobs.

□ 1245

I urge my Republican friends to stop ignoring the plight of the unemployed who have suffered under your failed policies.

Since December, more than 1 million jobless workers have exhausted their regular State unemployment benefits without receiving temporary Federal assistance. Why? Because Republicans allowed the Federal program to expire. Democrats have been asking for the last 6 months to extend that program, as we did under the Reagan administration, as we did under Bush 1. They have refused to do so.

Before we leave Washington this week for a 2-week recess, we should pass an immediate extension of temporary Federal jobless benefits. It is the right thing to do, it is the moral thing to do, and I would suggest to you it is the right thing to do for our economy as well. There is no excuse for failing to act.

Madam Speaker, I hope that when the motion to instruct on the budget resolution is made to have a responsible, effective, historically effective pay-as-you-go process, to discipline our budget so that America's children and America's grandchildren and America's economy will not be put deeper into debt and that we will have an effective enforcement process, which will, like America's families, make tough decisions so that we will have a better future for our country.

VOTE FOR THE MOTION TO INSTRUCT CONFEREES ON THE BUDGET RESOLUTION

The SPEAKER pro tempore (Ms. HARRIS). Pursuant to the order of the House of January 20, 2004, the gentleman from Texas (Mr. STENHOLM) is recognized during morning hour debates for 5 minutes.

Mr. STENHOLM. Madam Speaker, let me follow in the same footsteps of my colleague from Maryland.

Last week, the House passed a budget, a very bitterly debated and very close decision on the final outcome as to which budget we should pass. A lot of speeches were made, a lot of promises were made, but one of the things that was not a part of the budget resolution last week was pay-as-you-go.

Now, our friends on the other side of the Capitol, the other body, in passing their budget they suggested that pay-as-you-go would be a good policy; and they included everything. In my opinion, unless we have everything on the table, spending and revenue, pay-as-you-go will not work as well in 2004 as it did in the 1990s.

There are those that believe there should be a difference. They are the

same ones that have succeeded in passing three budgets now in the last 3 years that have given this country the largest fiscal deficits in the history of our country. They are the same ones that are arguing now that pay-as-you-go should only include spending, not revenue. But they are the ones also that should accept the responsibility for their ideas, having, as I said, given this country the largest amount of fiscal deficits in the history of our country.

We borrowed \$1 trillion in the last 2½ years. We are going to borrow another trillion dollars in the next year and a half. And yet they argue, and will argue this afternoon on the motion to recommit, that we should only include spending.

Well, the pay-as-you-go resolution that I supported, and it was in the Blue Dog budget, was in the Democratic party alternative, was put everything on the table. If you want to spend more for any purpose, then you have to cut spending somewhere else. If you want to cut taxes, then you have got to cut spending somewhere to make room for them or raise taxes in some other area that will be more proficient, more efficient, and accomplish what needs to be done for the job creation in this country but also for getting our fiscal house in order.

We are not going to wish deficits away. We can argue about this, and we did last week. We can argue about what trade policy we should have. But one thing we cannot argue about, and no one does argue about, is the baby boom generation reaching age 62 in 2008, 65 in 2011, 67 in 2013. That is when the greatest economic pressure that this country has ever known is going to hit us, and that is why it is so important for this Congress and this administration to get real about fiscal responsibility.

Philosophy alone will not cut it. To those that argue that cutting taxes was going to produce more revenue, it didn't. It did not. It came up over \$100 billion short. Those of us that believe in pay-as-you-go say that when you advocate a policy, whether it be spending or revenue, and it does not do what you said it was going to do, then you should step up to the plate and pay for it. But, no, those who argue on the other side say we are not going to ask those fortunate to be alive today to pay for it, we are going to send the bill to our grandchildren. We are going to send the bill to them because they cannot vote in November.

Pay-as-you-go is a pretty simple philosophy. Every family in the United States has to adopt pay-as-you-go. Most families do not have the luxury, in fact, they would not even think about one of the solutions to the family problems is to reduce mom's or dad's paycheck and yet reduce that paycheck and live within that means. One would not think about doing that, but that is what the leadership of this House is suggesting. That is what they did even though a very large, I think

plurality, maybe majority on the other side of the aisle agrees with those of us that says pay-as-you-go is something that should be part of the budget resolution, and it should be implemented, and it should be implemented with everything on the table.

That is what the motion to instruct conferees tomorrow will be about, and I would encourage my colleagues, both sides of the aisle, to vote for it and put some muscle into the speechifying on budgets in this body.

NATIONAL SECURITY ADVISOR CONDOLEEZZA RICE SHOULD TESTIFY BEFORE THE 9/11 COM- MISSION

The SPEAKER pro tempore. Pursuant to the order of the House of January 20, 2004, the gentleman from California (Mr. GEORGE MILLER) is recognized during morning hour debates for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker, National Security Advisor Condoleezza Rice should testify before the 9/11 Commission. She can no longer hide behind the right of executive privilege. Both she and the President should waive their rights to executive privilege in this case. The executive privilege can still be preserved for President Bush and for future presidents in other matters.

There are few matters in our Nation's experience as sobering as the tragic terrorist attack of 9/11. It was the worst homeland attack on our security since Pearl Harbor, and we need a full accounting from the administration about what happened prior to 9/11.

The National Security Advisor has tried to have it both ways. She has commented on the proceedings of the Commission to the press, she has questioned the evidence presented to the Commission, and challenged the integrity of the witnesses testifying under oath, but she refuses to testify in public under oath to the Commission and to the families about what she knew about the events leading up to 9/11, about our efforts to stop terrorism, about our efforts to protect our national security.

The families and the Nation need to know and want to know what exactly happened prior to 9/11. We need Mrs. Rice's testimony under oath to reach a full accounting, especially since she is now from the sidelines publicly contradicting evidence and testimony presented to the Commission.

If Condoleezza Rice has another version of the events and facts, she must come forward and present them to the Nation under oath. Congress, the families, and the public deserve no less.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 55 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, as soon as we call You "God with us," we realize Your covenant reenacted. You have committed Yourself to be in solidarity, "God with us." You wish to share our joys and pains, defend and protect us. You raise up from within us laments, shouts of praise, and hymns of constancy.

We will never truly know You, Lord God, as a compassionate God until we see You and know Your presence in the midst of our daily grind, at the bottom of our deepest longings, and as the sustaining strength in overwhelming trials.

You have chosen to be with us and love us with all our limitations as a people and as a Nation. So we rejoice in You now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. CARTER) come forward and lead the House in the Pledge of Allegiance.

Mr. CARTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2241. An act to reauthorize certain school lunch and child nutrition programs through June 30, 2004.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 26, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of

the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 26, 2004 at 9:10 a.m.:

That the Senate passed without amendment H.R. 3926.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

COMMUNICATION FROM THE HON.
NANCY PELOSI, DEMOCRATIC
LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable Nancy Pelosi, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
March 26, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to (10 U.S.C. 111 note) I hereby appoint retired Army Lt. General H.G. (Pete) Taylor, to the Commission On The Review Of The Overseas Military Facility Structure Of The United States.

Best regards,

NANCY PELOSI.

LIBYA RESPECTS AMERICA'S
INITIATIVES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in the global war on terrorism, it is reassuring that President George W. Bush is keeping focused on winning the war which was forced on America by the murderous attacks of September 11.

In the midst of Monday morning quarterbacking, we should see the facts of success: the Afghan and Iraqi dictatorships which supported terrorism have met regime change. An emboldened Pakistan has 70,000 troops uprooting terrorists on the border of Afghanistan, and Libya has abandoned its banned weapons programs.

Libya has seen the light. It is reassuring to learn from Thursday's Washington Post that the Libyan dictator's son Saif Islam Qaddafi has made the case for peace and freedom clear to other Arab countries: "Instead of shouting and criticizing the American initiative, you have to bring democracy to your countries, and then there will be no need to fear America or your people."

In conclusion, God bless our troops. We will never forget September 11.

MEDICARE PRESCRIPTION DRUGS

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, last week I met with the Esperanza Senior Citizen Club in City Terrace in East Los Angeles to discuss the new Medicare pre-

scription drug law enacted last year. The seniors there had many, many questions. They asked me how the law will affect them and will it provide affordable drugs. Unfortunately, I had to tell them that the law does nothing to lower the cost of prescription drugs. In fact, I told them that it prohibits the Secretary of Health and Human Services from negotiating lower prices. They were star struck. They could not believe that that is what we had passed here in the Congress.

In short, the law increases profits for big pharmaceutical companies and fails to protect seniors. The Esperanza Senior Club was shocked when they learned the truth about the new law because they felt that Congress had abandoned them. They told me to go back to Washington and they told me to renegotiate, to open up a discussion on that piece of legislation, because for them and the district that I represent, still they are not able to afford their drugs, their medications; and they want choices. They wanted to know if they were going to have the same physician caring for them in the HMOs.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

UTROK ATOLL VESSEL
CONVEYANCE

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2584) to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship, and for other purposes.

The Clerk read as follows:

Senate amendments:

(1) Page 2, after line 17, insert:

(c) Within 120 days after the date of enactment of this Act, the Utrok Atoll local government, in consultation with the Government of the Republic of the Marshall Islands, shall submit a plan for the use of the vessel to be conveyed under subsection (a) to the House of Representatives Committee on Resources, the House of Representatives Committee on Science, the Senate Committee on Energy and Natural Resources, and the Senate Committee on Commerce, Science, and Transportation.

(2) Page 4, after line 6, insert:

SEC. 305. REBUILDING FISH STOCKS.

Section 105 of division H of the Consolidated Appropriations Act, 2004, is repealed.

(3) Page 4, after line 6, insert:

TITLE IV—PACIFIC ALBACORE TUNA
TREATY

SEC. 401. IMPLEMENTATION.

(a) IN GENERAL.—Notwithstanding anything to the contrary in section 201, 204, or 307(2) of

the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1821, 1824, and 1857(2)), foreign fishing may be conducted pursuant to the Treaty between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges, signed at Washington May 26, 1981, including its Annexes and any amendments thereto.

(b) REGULATIONS.—The Secretary of Commerce, with the concurrence of the Secretary of State, may—

(1) promulgate regulations necessary to discharge the obligations of the United States under the Treaty and its Annexes; and

(2) provide for the application of any such regulation to any person or vessel subject to the jurisdiction of the United States, wherever that person or vessel may be located.

(c) ENFORCEMENT.—

(1) IN GENERAL.—The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) shall be enforced as if subsection (a) were a provision of that Act. Any reference in the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) to "this Act" or to any provision of that Act, shall be considered to be a reference to that Act as it would be in effect if subsection (a) were a provision of that Act.

(2) REGULATIONS.—The regulations promulgated under subsection (b), shall be enforced as if—

(A) subsection (a) were a provision of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.); and

(B) the regulations were promulgated under that Act.

SEC. 402. SOUTH PACIFIC TUNA TREATY ACT
AMENDMENT.

Section 6 of the South Pacific Tuna Act of 1988 (16 U.S.C. 973d(a)) is amended by striking "outside of the 200 nautical mile fisheries zones of the Pacific Island Parties." and inserting "or to fishing by vessels using the longline method in the high seas areas of the Treaty area."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2584 passed the House on November 11, 2003, by voice vote. The bill, as passed by the House, included a number of important provisions including the transfer of a decommissioned NOAA vessel to the local government of the Utrok Atoll, the reauthorization of the Yukon River Salmon Act of 2000, the reauthorization of the Fishermen's Protective Act of 1967, and a provision to correct and ratify certain promotions within the National Oceanic and Atmospheric Administration Commissioned Corps.

The Senate has made several additions to the legislation which make it a stronger conservation measure. These additions include language to implement the Pacific Albacore Tuna Treaty, a measure which will help ensure the sustainable conservation and management of the albacore tuna fishery shared by the United States and Canada; and language to allow certain U.S. fishing vessels access to South Pacific tuna stocks consistent with revisions to the 1988 South Pacific Tuna

Treaty. The bill was further amended to strike a provision of the Consolidated Appropriations Act of 2004, which would have delayed the implementation of important conservation and management measures in the Northeast multispecies fishery management plan. This provision is important to the continued rebuilding process for New England groundfish stocks and to meet court-ordered timetables.

Finally, the amendments include a requirement that a plan for the use of the decommissioned vessel be submitted to Congress by the local government of the Utrök Atoll in consultation with the government of the Republic of the Marshall Islands.

I urge Members to support these important provisions by voting "aye" on the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, let me thank the gentleman from Maryland for his hard work and his leadership on this bill.

H.R. 2584 is a noncontroversial piece of legislation previously passed by the House on November 21, 2003, that would convey a decommissioned National Oceanic and Atmospheric Administration, or NOAA, research vessel, to the local government of Utrök Atoll located in the Republic of the Marshall Islands. The conveyance of this vessel will allow more convenient transportation for the residents of Utrök Atoll who have to make a 265-mile trip to the neighboring island of Majuro to receive testing and critical medical treatments as a result of the U.S. nuclear testing program we conducted in the Northern Marshall Islands between 1946 and 1958.

I commend the Delegate from American Samoa for introducing this legislation to help alleviate the burden shared by the residents of this very remote atoll in the Pacific Ocean.

H.R. 2584 also contains an important provision to address procedural lapses in promotions and appointments within NOAA's commissioned officer corps. It is important not to disrupt the NOAA corps chain of command while our Nation is at war against terrorism. This provision should prevent any future operational or command dysfunctions from arising, and we should act expeditiously to pass it.

This legislation as amended by the other body also contains provisions passed last year by the House in H.R. 2408 to reauthorize the Fishermen's Protective Act and the Yukon River Salmon Act, and two amendments to reauthorize and clarify fisheries management agreements concerning tuna in the Pacific Ocean. None of these are controversial.

I urge Members on both sides to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the gentleman from American Samoa (Mr. FALEOMAVAEGA), the gentleman from New Mexico (Mr. UDALL), and the staff on both sides of the aisle for helping to bring this measure to the floor. I hope for a unanimous vote later on this afternoon.

Mr. Speaker, I include for the RECORD an exchange of letters between the chairman of the Committee on Science and the chairman of the Committee on Resources regarding this legislation.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, March 26, 2004.

Hon. RICHARD W. POMBO,
Chairman, Committee on Resources, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I understand that the House plans to take up H.R. 2584 as amended by the Senate. Thank you for your support in having the Committee on Science added to the list of Committees to which the Utrök Atoll local government must report after receipt and use of the decommissioned National Oceanic and Atmospheric Administration ship.

The Committee on Science supports passage of this bill as amended, but wishes to clarify the Committee's jurisdiction over the NOAA Corps. Based on conversations with the Office of the Parliamentarian, the Committee on Science understands it would receive a sequential referral of legislation involving the NOAA Corps.

Recognizing your wish that the House of Representatives consider this bill as soon as possible, I will not exercise the Committee's right to a sequential referral of H.R. 2584 based on the Committee's jurisdiction over the NOAA Corps. This decision to forgo a sequential referral does not waive the Committee's future jurisdiction over the NOAA Corps.

I ask that you include our exchange of letters on this matter in Congressional Record during floor consideration of H.R. 2584.

Thank you for your consideration regarding this matter.

Sincerely,
SHERWOOD L. BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, March 26, 2004.

Hon. SHERWOOD BOEHLERT,
Chairman, Committee on Science, Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 2584, a bill to provide for the conveyance to the Utrök Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship, and for other purposes. The Senate has returned the bill to us with additional provisions and I appreciate your cooperation in allowing it to be considered expeditiously by the House of Representatives.

Based on discussions with the Office of the Parliamentarian, the Committee on Science would be entitled to a sequential referral of the portion of the bill containing the text of S. 886, which was added to H.R. 2584 during the original Floor consideration of the bill on November 21, 2003. Because the Committee on Resources plans to consider S. 886

only in the context of H.R. 2584, I appreciate your willingness not to seek a referral of the amended bill. By doing so, I agree that the Committee on Science does not waive jurisdiction over this provision, nor does it serve as precedent for any future referrals. In addition, I will be happy to include our exchange of letters on this issue in the Congressional Record at the appropriate time.

Thank you again for your cooperation on this and many other issues between our committees.

Sincerely,

RICHARD W. POMBO.

Mr. FALEOMAVAEGA. Mr. Speaker, again, I rise in support of H.R. 2584, a bill I introduced to assist our friends from Utrök Atoll as they continue efforts to resettle and rehabilitate their islands as a result of the effects of the United States nuclear testing in the Republic of the Marshall Islands (RMI).

At this time, I would like to thank Chairman RICHARD POMBO and Ranking Member NICK RAHALL of the Resources Committee for their continued support of Pacific Island issues. I would also like to thank my distinguished colleagues and co-sponsors—Congressmen ANIBAL ACEVEDO-VILA, DAN BURTON, JOHN DOOLITTLE, ELTON GALLEGLEY, JEFF FLAKE, and Congresswoman MADELEINE BORDALLO.

I would also like to thank members of the Senate for voting in favor of this legislation. The purpose of this legislation is to authorize the Secretary of Commerce to convey a decommissioned, operable NOAA vessel to the Government of Utrök. The vessel will be used to provide support for radiological monitoring, rehabilitation and resettlement of Utrök, an atoll that is part of the Republic of the Marshall Islands.

During the 1940s and 50s, many of the Marshall Island atolls were devastated by the effects of U.S. nuclear testing activities. From 1946 to 1958, the United States detonated 67 nuclear weapons in the Marshall Islands, representing nearly 80 percent of all atmospheric tests ever conducted by the United States. If one were to calculate the net yield of these tests, it would be equivalent to the detonation of 1.7 Hiroshima bombs every day for 12 years.

On March 1, 1954, at 6:45 a.m. at the Bikini Atoll in the Marshall Islands, the United States detonated the Bravo shot, a 15 megaton hydrogen bomb 1,000 times more powerful than the bomb dropped on Hiroshima. Acknowledged as the greatest nuclear explosion ever detonated, the Bravo test vaporized 6 islands and created a mushroom cloud 25 miles in diameter.

Residents of Utrök atoll were forced to evacuate 72 hours after the miscalculated Bravo shot. Two months later, the U.S. assured the people of Utrök that it was safe to return home. The U.S. now acknowledges that it was a grave mistake to return the people to Utrök only 2 months after the detonation of Bravo.

Utrök residents have since suffered severe health problems and genetic anomalies. Today, the people of Utrök are seeking to rehabilitate their home island so that it is a safe place to live. Last year, a comprehensive scientific report recommended a potassium fertilizer treatment to accompany the ongoing resettlement process on Utrök, a treatment which would suppress the remaining radioactive Cesium-137 in the soil and prevent its further uptake in the food supply.

In addition, the U.S. Department of Energy (DOE) concluded a Memorandum of Understanding (MOU) with Utrök that committed the DOE to build a Whole Body Counting (WBC) facility in order to monitor radioactivity levels in the people of Utrök. This new facility is located about 265 miles away in Majuro and will be used to ensure that the potassium fertilizer regime is effective and the administration of the fertilizer treatment is done properly.

However, Utrök residents are responsible for their own transportation to Majuro. Transportation by plane is expensive and available only once per week. Air service is also unreliable as the Utrök runway is in disrepair and the airline often declines to land. Travel by commercial ships, although less expensive, is infrequent.

One solution to help facilitate transport between Utrök and Majuro is to transfer a decommissioned NOAA vessel to the Utrök Atoll Local Government. In addition to transport of Utrök residents to the WBC facility, the vessel will be used for moving several tons of potassium fertilizer, transporting equipment and materials for radiological remediation, and transporting USDA food supplies. Because of the Cesium-137 contamination in locally grown food, at least 50 percent of the diet of Utrök residents must be imported to limit the risk of radiological poisoning.

The Utrök Atoll Local Government fully supports this measure and adopted a resolution (022-03) on July 4th 2003 stating that the NOAA vessel transfer would be "one of the crucial needs that will fully support our future goals to develop, rehabilitate and resettle the atoll after the aftermath of the Bravo fallout." The Utrök Government also expects the ship to be available for use by other atolls for their respective communities, who will help pay for the ongoing maintenance of the vessel.

As the Ranking Member of the House International Relations Subcommittee on Asia and the Pacific, I am hopeful that this bill will remind Congress of our ongoing responsibility to the people of RMI for the mistakes the United States made regarding its nuclear testing activities in the Asia Pacific region. Once again, I thank my colleagues in the House and Senate for their support and I urge final passage of this important legislation.

Mr. UDALL of New Mexico. Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2584.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GILCHREST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2584, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

VAUGHN GROSS POST OFFICE BUILDING

Mr. CARTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3723) to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the "Vaughn Gross Post Office Building".

The Clerk read as follows:

H.R. 3723

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VAUGHN GROSS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, shall be known and designated as the "Vaughn Gross Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Vaughn Gross Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CARTER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. CARTER).

□ 1415

GENERAL LEAVE

Mr. CARTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CARTER. Mr. Speaker, I yield myself such time as I may consume.

On behalf of the Committee on Government Reform, I am pleased to rise in support of H.R. 3723. This meaningful legislation designates the Dallas Postal Service facility as the "Vaughn Gross Post Office Building."

Vaughn Gross has spent 35 years educating children in Texas and more than 30 of those years working in the Richardson Independent School District outside of Dallas. She began her career in the district by teaching special education classes at Skyview and Canyon Creek Elementary Schools in the 1970s. She later taught second grade students for 5 years at Northlake Elementary.

Ultimately, Vaughn Gross worked her way up to become Assistant Prin-

cipal at Aiken Elementary in 1989. In 1992, she held the same position at Brenfield Elementary School. A year later, she was elevated to Principal, a capacity in which she served for 6 years. In 1999, Vaughn Gross moved over to Hamilton Park Magnet School to act as principal there. Today, Ms. Gross is Assistant Superintendent For Curriculum and Instruction in the Richardson School District.

Mr. Speaker, Vaughn Gross is a respected, appreciated leader in the Dallas area. She earned a Teacher of the Year Award from the Richardson Association of Children with Learning Disabilities in 1977 and PTA life membership status in 1999. She is precisely the type of quality individual after whom the Congress ought to name post offices in our great Nation.

I commend the gentleman from Texas (Mr. SESSIONS) for introducing H.R. 3723. I know the gentleman from Texas genuinely wanted to be present, and I will be submitting a statement for the RECORD on behalf of the gentleman from Texas (Mr. SESSIONS).

Mr. Speaker, I strongly urge every Member of the House to support H.R. 3723.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a Member of the House Committee on Government Reform, I am pleased to join with my colleagues in consideration of H.R. 3723, legislation naming a postal facility in Dallas, Texas, after Vaughn Gross. This measure, which was introduced by the gentleman from Texas (Mr. SESSIONS) on January 21, 2004, and unanimously reported by our committee on March 4, 2004, enjoys the support and cosponsorship of the entire Texas delegation.

A graduate of the University of Texas with a degree in special education, Mrs. Gross has dedicated her life to teaching and working with children with learning disabilities. Her vast teaching experience has not gone unnoticed or unappreciated. Mrs. Gross has won the distinguished Teacher of the Year from the Richardson Association of Children with Learning Disabilities and has achieved the Parent Teacher Association life membership status.

Currently, Mrs. Gross is serving as the Assistant Superintendent in the Richardson Independent School District. She is involved in a number of community organizations such as the Psychoanalysis Professional Development and Appraisal System, the District Instructional Strategies Committee, the Central Math Textbook Committee, and the Richardson Independent School District Professional Development Strategic Action Team.

And, finally, Mrs. Gross has received her school district's Silver Cup Award for Community on Campus and has been nominated for the YMCA Women of Achievement Award.

Mr. Speaker, it is obvious that Mrs. Gross has a distinguished record of

community service, and although it is oftentimes unusual while people are still available to achieve these kinds of recognitions to see that the people of her community and that the gentleman from Texas (Mr. SESSIONS), her representative in Congress, thinks enough of her dedication to name this postal facility in her honor, I am pleased to join with him and urge swift adoption of this measure.

Mr. SESSIONS. Mr. Speaker, I rise today to pay tribute to an exceptional educator in the 32nd Congressional District of Texas with this legislation H.R. 3723, "To designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the 'Vaughn Gross Post Office Building.'"

I am pleased to honor Vaughn Gross with the naming of this post office. It is a fitting tribute to a career educator who has served children with special needs and disabilities with excellence and distinction.

As a father of a child with special needs, I know firsthand that it takes an extraordinary person to educate children with disabilities. It requires both love and passion to be able to accomplish this tough task, and I admire Mrs. Gross for her drive and determination to improve the lives of children with disabilities.

Vaughn Gross began her career in education 36 years ago as an innovative classroom teacher for children with special needs and disabilities at Wooten Elementary School in Austin, Texas. For the past 30 years, she has served with the Richardson Independent School District. From 1993 until 1999, Mrs. Gross held the position of Principal of Brentfield Elementary School. From 1999 until 2003, she was the Principal of Hamilton Park Pacesetter Magnet School. Mrs. Gross currently serves as the Assistant Superintendent for Curriculum and Instruction.

Few in school administrations come from special education backgrounds, so it is notable that Mrs. Gross has been able to continue her commitment to improving special education as she transitioned from the classroom into her current administrative position.

All too often, we as a society do not give the appropriate recognition to dedicated teachers who go above and beyond the call of duty to educate those children with disabilities and special needs. Mrs. Gross has dedicated her life to furthering the education of the countless children who have benefited from her years of experience.

I believe that this legislation not only honors Mrs. Gross, but also pays a fitting tribute to the scores of educators in Texas and throughout the country who specialize in teaching our children with disabilities and special needs.

In addition to teaching her students, Mrs. Gross has made tremendous efforts to share her successful techniques with other educators in Texas to help improve the teaching of students outside of her home school district. I have always been impressed with her abilities, and I sincerely wish her all the best as she continues her career with the Richardson Independent School District.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CARTER. Mr. Speaker, I urge all Members to support the passage of H.R. 3723. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CARTER) that the House suspend the rules and pass the bill, H.R. 3723.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CARTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MAXINE S. POSTAL UNITED STATES POST OFFICE

Mr. CARTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3917) to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the "Maxine S. Postal United States Post Office".

The Clerk read as follows:

H.R. 3917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAXINE S. POSTAL UNITED STATES POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, shall be known and designated as the "Maxine S. Postal United States Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Maxine S. Postal United States Post Office.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CARTER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. CARTER).

GENERAL LEAVE

Mr. CARTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CARTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3917, introduced by the distinguished gentleman from New York (Mr. ISRAEL), designates the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the "Maxine S. Postal United States Post Office Building."

Since first being elected in 1987, Maxine Postal was an esteemed member of the Suffolk County Legislature in New York. There is little question that she

was an effective public servant and respected across political party lines. Her hallmarks in the legislature included fighting for tax relief, promoting community recycling programs, and revitalizing area recreation centers for citizens of Suffolk County.

Outside of her work in the legislature, her community contributions included serving as treasurer of the Amityville Board of Education and founding a library and a local soccer league.

Mr. Speaker, one cannot capture the worth of a local leader like Maxine Postal in a mere list of accomplishments. That is why I am pleased that enactment of this legislation will immortalize her legacy by naming a post office after her in the town she represented in the county legislature.

Mr. Speaker, Maxine Postal sadly passed away on New Year's Day, 2004, succumbing to a rare brain disorder known as CJD. She had announced her resignation from the legislature just days before she died. Maxine Postal was a valued public servant who is most deserving of this post office commemoration.

I thank the gentleman from New York for advancing this legislation through the Committee on Government Reform to the House floor for consideration today. I urge all Members to support H.R. 3917 that honors Maxine Postal.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Government Reform, I am pleased to join with my colleague in the consideration of H.R. 3917, legislation naming a postal facility in Copiague, New York, after Maxine Postal. This measure, which was introduced by the gentleman from New York (Mr. ISRAEL) on March 9, 2004, and unanimously reported by our committee on March 18, 2004, enjoys the support and cosponsorship of the entire New York delegation.

Maxine Postal was born in Brooklyn, New York, in 1942. She grew up in Brooklyn, was educated in Brooklyn, and taught school in Brooklyn. In 1968, she opened the Busy Bee Nursery School and Kindergarten in Brooklyn, New York. Mrs. Postal used her vast teaching experience and expertise to serve as president of the Hauppauge Library Board and later as president of the Amityville Board of Education.

In the late 1980s, Mrs. Postal was elected to the Suffolk County Legislature where she served for 15 years until her death of Creutzfeldt-Jakob, a rare brain disorder, on New Year's Day at a hospice on West Palm Beach, Florida.

While an active member of the county legislature, Mrs. Postal was a liberal Democrat, I like that, dedicated to improving the lives of those in her community. She was a tireless advocate for the homeless, the downtrodden, and the poor, using her position on the social services committee to better living

conditions for those living on the streets. She was a woman of the people who fought for everyone and championed the rights of all to live free from discrimination and oppression.

Mr. Speaker, I am proud to join the sponsor in honoring the life of Maxine Postal and pleased that we are seeking to remember her good works, her good deeds, her advocacy for the poor, the downtrodden, those who are oftentimes forgotten. So it is my pleasure to urge swift passage of this resolution.

I know that the gentleman from New York (Mr. ISRAEL) had wanted to be present but could not make it, and I wanted to indicate that so that, as sponsor of this legislation, his name is listed in the RECORD as individuals pick up the CONGRESSIONAL RECORD and see or read the proceedings.

Mr. ISRAEL. Mr. Speaker, I would like to first begin by thanking the gentleman from Virginia (Mr. DAVIS), the Gentleman from California (Mr. WAXMAN) and all members of the Committee of Government Reform for reporting H.R. 3917 so promptly.

I also thank the gentleman from Texas (Mr. CARTER) and the gentleman from Illinois (Mr. DAVIS) for managing debate on this bill that honors former Suffolk County Presiding Officer Maxine S. Postal, who died so tragically this past January after a courageous battle with the rare brain disorder Creutzfeld-Jakob.

Mr. Speaker, I rise today to ask Members to support H.R. 3917, a bill I introduced that designates the Copiague, New York post office as the Maxine S. Postal United States Post Office.

The speed this legislation moved through the House is a tribute to the great respect and admiration held for Maxine Postal. She was a good friend and wonderful public servant.

Maxine was born in Brooklyn, New York on November 24, 1942. She graduated from Brooklyn College, achieving a master's degree in fine arts.

For the past three decades, Maxine served her Long Island community with distinction and tireless dedication.

I had the honor of first knowing Maxine and working with her in 1987, when she became the first woman to represent the 15th Legislative District in Suffolk County.

Maxine achieved many legislative accomplishments, including efforts to protect the environment through recycling and preserving open space, ease the tax burden, ensure access to better health care and treatment, and work to revitalize and beautify community centers.

She never stopped fighting for the best interests of the people she represented, the working families of Suffolk County.

Maxine died on New Year's Day, a few weeks after being diagnosed with Creutzfeld-Jakob Disease. CJD is an extremely rare brain disorder, affecting only one person in a million.

Maxine was diagnosed with the sporadic form, which is not associated with contaminated beef like the variant form. In most cases, CJD causes the rapid development of neurological and neuro-muscular symptoms and often proves fatal in less than a year after the disorder becomes apparent.

To those of us who knew Maxine, we will remember her bravery and courageous battle against this fatal disease.

We will continue to miss her, but will always be inspired by her leadership. She had an unparalleled ability to stand firmly on principle while bringing diverse views together in bipartisan coalitions that moved Suffolk County forward.

Franky, not just Suffolk County but New York and our country could use more elected officials like Maxine Postal. She is a model of what a public servant can and should be.

The Maxine S. Postal United States Post Office will serve as a lasting tribute to her many years of public service and her invaluable impact on Suffolk County. So that years from now, a new generation of Long Islanders will cherish her service and honor her memory.

She was an extraordinary New Yorker, a proud American and a vital member of our community.

I ask for my colleagues' unanimous support of H.R. 3917 in honor of Maxine S. Postal's bravery and outstanding accomplishments.

Mr. DAVIS of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CARTER. Mr. Speaker, I urge all Members to support the passage of H.R. 3917. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CARTER) that the House suspend the rules and pass the bill, H.R. 3917.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CARTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 29 minutes p.m.), the House stood in recess until approximately 6:30 p.m. today.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3966, ROTC AND MILITARY RECRUITER EQUAL ACCESS TO CAMPUS ACT OF 2004

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108-451) on the resolution (H.

Res. 580) providing for consideration of the bill (H.R. 3966) to amend title 10, United States Code, and the Homeland Security Act of 2002 to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officer Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer, which was referred to the House Calendar and ordered to be printed.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 95) setting forth the congressional budget for the United States Government for fiscal year 2005 and including the appropriate budgetary levels for fiscal years 2006 through 2009, and ask for its immediate consideration in the House.

The SPEAKER pro tempore (Mr. CULBERSON.) Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 95

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2005.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2005 including the appropriate budgetary levels for fiscal years 2006 through 2009 as authorized by section 301 of the Congressional Budget Act of 1974 (2 U.S.C. 632).

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2005.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Social security.

Sec. 103. Major functional categories.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation in the Senate.

TITLE III—RESERVE FUNDS AND ADJUSTMENTS

Subtitle A—Reserve Funds

Sec. 301. Reserve fund for health insurance for the uninsured.

Sec. 302. Reserve fund for higher education.

Sec. 303. Reserve for energy legislation.

Sec. 304. Reserve fund for guard and reserve health care.

Sec. 305. Reserve fund for Montgomery GI bill benefits.

Sec. 306. Reserve for funding of Hope Credit.

Sec. 307. Reserve fund for expansion of pediatric vaccine distribution program.

Sec. 308. Reserve fund for addressing minority health disparities.

Sec. 309. Reserve for postal service reform.

Subtitle B—Adjustments With Respect to Discretionary Spending

Sec. 311. Adjustment for surface transportation.

- Sec. 312. Supplemental appropriations for Iraq and related activities for fiscal year 2005.
- Sec. 313. Adjustment for wildland fire suppression.
- Sec. 314. Reserve fund for eliminating survivor benefit plan-social security offset.

TITLE IV—BUDGET ENFORCEMENT

- Sec. 401. Restrictions on advance appropriations.
- Sec. 402. Extension of emergency rule in the Senate.
- Sec. 403. Discretionary spending limits in the Senate.
- Sec. 404. Scoring rules.
- Sec. 405. Adjustments to reflect changes in concepts and definitions.
- Sec. 406. Application and effect of changes in allocations and aggregates.
- Sec. 407. Exercise of rulemaking powers.
- Sec. 408. Pay-as-you-go point of order in the Senate.

TITLE V—SENSE OF THE SENATE

- Sec. 501. Sense of the Senate on budget process reform.
- Sec. 502. Sense of the Senate on budget process reform with regard to the creation of bipartisan commissions to combat waste, fraud, and abuse and to promote spending efficiency.
- Sec. 503. Sense of the Senate on the relationship between annual deficit spending and increases in debt service costs.
- Sec. 504. Sense of the Senate regarding the costs of the medicare prescription drug program.
- Sec. 505. Sense of the Senate regarding pay parity.
- Sec. 506. Sense of the Senate on returning stability to payments under medicare physician fee schedule.
- Sec. 507. Sense of the Senate regarding the use of Federal funds to support American companies and American workers.
- Sec. 508. Sense of the Senate regarding closing the "tax gap".
- Sec. 509. Sense of the Senate amendment on drug comparativeness studies.
- Sec. 510. Sense of the Senate regarding funding for port security.
- Sec. 511. Sense of the Senate regarding tribal colleges and universities.
- Sec. 512. Findings and sense of the Senate.
- Sec. 513. Sense of the Senate supporting funding restoration for agriculture research and extension.
- Sec. 514. Reserve fund for Homeland Security Grant Program, assistance to firefighter grants, and port security grants.
- Sec. 515. State Homeland Security Grant Program.
- Sec. 516. Strategic Petroleum Reserve.
- Sec. 517. Sense of the Senate concerning a National Animal Identification Program.
- Sec. 518. Sense of the Senate regarding contributions to The Global Fund to Fight AIDS, Tuberculosis, and Malaria.
- Sec. 519. Sense of the Senate concerning child nutrition funding.
- Sec. 520. Sense of the Senate regarding compensation for exposure to toxic substances at the Department of Energy.
- Sec. 521. Sense of the Senate regarding tax incentives for certain rural communities.
- Sec. 522. Sense of the Senate concerning summer food pilot projects.

TITLE I—LEVELS AND AMOUNTS**SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.**

The following budgetary levels are appropriate for the fiscal years 2005 through 2009:

(1) **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2005: \$1,453,714,000,000.
 Fiscal year 2006: \$1,615,655,000,000.
 Fiscal year 2007: \$1,730,119,000,000.
 Fiscal year 2008: \$1,822,516,000,000.
 Fiscal year 2009: \$1,925,154,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2005: —\$23,420,000,000.
 Fiscal year 2006: —\$38,526,000,000.
 Fiscal year 2007: —\$24,825,000,000.
 Fiscal year 2008: —\$23,274,017,000,000.
 Fiscal year 2009: —\$27,906,000,000.

(2) **NEW BUDGET AUTHORITY.**—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2005: \$1,958,150,000,000.
 Fiscal year 2006: \$2,072,497,000,000.
 Fiscal year 2007: \$2,187,109,000,000.
 Fiscal year 2008: \$2,294,017,000,000.
 Fiscal year 2009: \$2,397,359,000,000.

(3) **BUDGET OUTLAYS.**—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2005: \$1,968,807,000,000.
 Fiscal year 2006: \$2,061,467,000,000.
 Fiscal year 2007: \$2,161,380,000,000.
 Fiscal year 2008: \$2,263,755,000,000.
 Fiscal year 2009: \$2,363,932,000,000.

(4) **DEFICITS.**—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2005: —\$515,093,000,000.
 Fiscal year 2006: —\$445,812,000,000.
 Fiscal year 2007: —\$431,261,000,000.
 Fiscal year 2008: —\$441,239,000,000.
 Fiscal year 2009: —\$438,778,000,000.

(5) **DEBT SUBJECT TO LIMIT.**—The appropriate levels of the public debt are as follows:

Fiscal year 2005: \$8,052,710,000,000.
 Fiscal year 2006: \$8,624,516,000,000.
 Fiscal year 2007: \$9,178,616,000,000.
 Fiscal year 2008: \$9,742,730,000,000.
 Fiscal year 2009: \$10,308,215,000,000.

(6) **DEBT HELD BY THE PUBLIC.**—The appropriate levels of the debt held by the public are as follows:

Fiscal year 2005: \$4,741,120,000,000.
 Fiscal year 2006: \$5,009,410,000,000.
 Fiscal year 2007: \$5,247,139,000,000.
 Fiscal year 2008: \$5,479,268,000,000.
 Fiscal year 2009: \$5,696,111,000,000.

SEC. 102. SOCIAL SECURITY.

(a) **SOCIAL SECURITY REVENUES.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2005: \$572,314,000,000.
 Fiscal year 2006: \$600,902,000,000.
 Fiscal year 2007: \$629,333,000,000.
 Fiscal year 2008: \$658,731,000,000.
 Fiscal year 2009: \$689,620,000,000.

(b) **SOCIAL SECURITY OUTLAYS.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2005: \$396,159,000,000.
 Fiscal year 2006: \$406,390,000,000.
 Fiscal year 2007: \$419,424,000,000.

Fiscal year 2008: \$433,487,000,000.

Fiscal year 2009: \$450,288,000,000.

(c) **SOCIAL SECURITY ADMINISTRATIVE EXPENSES.**—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2005:

(A) New budget authority, \$4,249,000,000.
 (B) Outlays, \$4,264,000,000.

Fiscal year 2006:

(A) New budget authority, \$4,352,000,000.
 (B) Outlays, \$4,335,000,000.

Fiscal year 2007:

(A) New budget authority, \$4,477,000,000.
 (B) Outlays, \$4,457,000,000.

Fiscal year 2008:

(A) New budget authority, \$4,617,000,000.
 (B) Outlays, \$4,594,000,000.

Fiscal year 2009:

(A) New budget authority, \$4,762,000,000.
 (B) Outlays, \$4,738,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 2005 through 2009 for each major functional category are:

(1) **National Defense (050):**

Fiscal year 2005:

(A) New budget authority, \$422,157,000,000.
 (B) Outlays, \$449,442,000,000.

Fiscal year 2006:

(A) New budget authority, \$445,708,000,000.
 (B) Outlays, \$442,157,000,000.

Fiscal year 2007:

(A) New budget authority, \$456,148,000,000.
 (B) Outlays, \$441,732,000,000.

Fiscal year 2008:

(A) New budget authority, \$467,482,000,000.
 (B) Outlays, \$451,564,000,000.

Fiscal year 2009:

(A) New budget authority, \$479,494,000,000.
 (B) Outlays, \$463,106,000,000.

(2) **International Affairs (150):**

Fiscal year 2005:

(A) New budget authority, \$31,970,000,000.
 (B) Outlays, \$34,032,000,000.

Fiscal year 2006:

(A) New budget authority, \$34,855,000,000.
 (B) Outlays, \$33,192,000,000.

Fiscal year 2007:

(A) New budget authority, \$35,499,000,000.
 (B) Outlays, \$31,746,000,000.

Fiscal year 2008:

(A) New budget authority, \$35,856,000,000.
 (B) Outlays, \$31,640,000,000.

Fiscal year 2009:

(A) New budget authority, \$35,912,000,000.
 (B) Outlays, \$32,059,000,000.

(3) **General Science, Space, and Technology (250):**

Fiscal year 2005:

(A) New budget authority, \$24,278,000,000.
 (B) Outlays, \$23,752,000,000.

Fiscal year 2006:

(A) New budget authority, \$25,412,000,000.
 (B) Outlays, \$24,863,000,000.

Fiscal year 2007:

(A) New budget authority, \$26,269,000,000.
 (B) Outlays, \$25,613,000,000.

Fiscal year 2008:

(A) New budget authority, \$26,499,000,000.
 (B) Outlays, \$25,914,000,000.

Fiscal year 2009:

(A) New budget authority, \$26,547,000,000.
 (B) Outlays, \$26,095,000,000.

(4) **Energy (270):**

Fiscal year 2005:

(A) New budget authority, \$1,093,000,000.
 (B) Outlays, —\$546,000,000.

Fiscal year 2006:

(A) New budget authority, \$2,762,000,000.
 (B) Outlays, \$1,653,000,000.

<p>Fiscal year 2007: (A) New budget authority, \$2,781,000,000. (B) Outlays, \$1,214,000,000.</p> <p>Fiscal year 2008: (A) New budget authority, \$2,501,000,000. (B) Outlays, \$601,000,000.</p> <p>Fiscal year 2009: (A) New budget authority, \$2,082,000,000. (B) Outlays, \$718,000,000.</p> <p>(5) Natural Resources and Environment (300): Fiscal year 2005: (A) New budget authority, \$36,160,000,000. (B) Outlays, \$31,191,000,000.</p> <p>Fiscal year 2006: (A) New budget authority, \$32,909,000,000. (B) Outlays, \$33,529,000,000.</p> <p>Fiscal year 2007: (A) New budget authority, \$32,895,000,000. (B) Outlays, \$34,099,000,000.</p> <p>Fiscal year 2008: (A) New budget authority, \$32,825,000,000. (B) Outlays, \$33,879,000,000.</p> <p>Fiscal year 2009: (A) New budget authority, \$33,523,000,000. (B) Outlays, \$33,974,000,000.</p> <p>(6) Agriculture (350): Fiscal year 2005: (A) New budget authority, \$21,746,000,000. (B) Outlays, \$20,976,000,000.</p> <p>Fiscal year 2006: (A) New budget authority, \$23,806,000,000. (B) Outlays, \$22,574,000,000.</p> <p>Fiscal year 2007: (A) New budget authority, \$24,698,000,000. (B) Outlays, \$23,509,000,000.</p> <p>Fiscal year 2008: (A) New budget authority, \$24,604,000,000. (B) Outlays, \$23,483,000,000.</p> <p>Fiscal year 2009: (A) New budget authority, \$25,563,000,000. (B) Outlays, \$24,623,000,000.</p> <p>(7) Commerce and Housing Credit (370): Fiscal year 2005: (A) New budget authority, \$7,864,000,000. (B) Outlays, \$2,935,000,000.</p> <p>Fiscal year 2006: (A) New budget authority, \$8,041,000,000. (B) Outlays, \$2,593,000,000.</p> <p>Fiscal year 2007: (A) New budget authority, \$9,141,000,000. (B) Outlays, \$3,406,000,000.</p> <p>Fiscal year 2008: (A) New budget authority, \$9,336,000,000. (B) Outlays, \$2,550,000,000.</p> <p>Fiscal year 2009: (A) New budget authority, \$9,826,000,000. (B) Outlays, \$2,766,000,000.</p> <p>(8) Transportation (400): Fiscal year 2005: (A) New budget authority, \$69,985,000,000. (B) Outlays, \$68,390,000,000.</p> <p>Fiscal year 2006: (A) New budget authority, \$70,923,000,000. (B) Outlays, \$70,998,000,000.</p> <p>Fiscal year 2007: (A) New budget authority, \$71,428,000,000. (B) Outlays, \$72,207,000,000.</p> <p>Fiscal year 2008: (A) New budget authority, \$71,760,000,000. (B) Outlays, \$72,571,000,000.</p> <p>Fiscal year 2009: (A) New budget authority, \$72,241,000,000. (B) Outlays, \$72,597,000,000.</p> <p>(9) Community and Regional Development (450): Fiscal year 2005: (A) New budget authority, \$13,897,000,000. (B) Outlays, \$14,986,000,000.</p> <p>Fiscal year 2006: (A) New budget authority, \$13,682,000,000. (B) Outlays, \$15,220,000,000.</p> <p>Fiscal year 2007: (A) New budget authority, \$13,851,000,000. (B) Outlays, \$14,321,000,000.</p> <p>Fiscal year 2008: (A) New budget authority, \$13,979,000,000. (B) Outlays, \$13,818,000,000.</p>	<p>Fiscal year 2009: (A) New budget authority, \$14,150,000,000. (B) Outlays, \$13,913,000,000.</p> <p>(10) Education, Training, Employment, and Social Services (500): Fiscal year 2005: (A) New budget authority, \$100,414,000,000. (B) Outlays, \$89,304,000,000.</p> <p>Fiscal year 2006: (A) New budget authority, \$95,314,000,000. (B) Outlays, \$94,577,000,000.</p> <p>Fiscal year 2007: (A) New budget authority, \$95,628,000,000. (B) Outlays, \$93,799,000,000.</p> <p>Fiscal year 2008: (A) New budget authority, \$95,858,000,000. (B) Outlays, \$94,262,000,000.</p> <p>Fiscal year 2009: (A) New budget authority, \$96,168,000,000. (B) Outlays, \$94,684,000,000.</p> <p>(11) Health (550): Fiscal year 2005: (A) New budget authority, \$252,299,000,000. (B) Outlays, \$247,712,000,000.</p> <p>Fiscal year 2006: (A) New budget authority, \$254,677,000,000. (B) Outlays, \$255,618,000,000.</p> <p>Fiscal year 2007: (A) New budget authority, \$267,998,000,000. (B) Outlays, \$27,754,000,000.</p> <p>Fiscal year 2008: (A) New budget authority, \$286,815,000,000. (B) Outlays, \$286,525,000,000.</p> <p>Fiscal year 2009: (A) New budget authority, \$307,860,000,000. (B) Outlays, \$305,533,000,000.</p> <p>(12) Medicare (570): Fiscal year 2005: (A) New budget authority, \$287,513,000,000. (B) Outlays, \$288,654,000,000.</p> <p>Fiscal year 2006: (A) New budget authority, \$322,517,000,000. (B) Outlays, \$322,035,000,000.</p> <p>Fiscal year 2007: (A) New budget authority, \$361,999,000,000. (B) Outlays, \$362,277,000,000.</p> <p>Fiscal year 2008: (A) New budget authority, \$386,753,000,000. (B) Outlays, \$386,795,000,000.</p> <p>Fiscal year 2009: (A) New budget authority, \$412,922,000,000. (B) Outlays, \$412,515,000,000.</p> <p>(13) Income Security (600): Fiscal year 2005: (A) New budget authority, \$337,868,000,000. (B) Outlays, \$342,111,000,000.</p> <p>Fiscal year 2006: (A) New budget authority, \$343,354,000,000. (B) Outlays, \$346,782,000,000.</p> <p>Fiscal year 2007: (A) New budget authority, \$348,271,000,000. (B) Outlays, \$350,920,000,000.</p> <p>Fiscal year 2008: (A) New budget authority, \$361,670,000,000. (B) Outlays, \$363,674,000,000.</p> <p>Fiscal year 2009: (A) New budget authority, \$371,602,000,000. (B) Outlays, \$373,123,000,000.</p> <p>(14) Social Security (650): Fiscal year 2005: (A) New budget authority, \$15,214,000,000. (B) Outlays, \$15,214,000,000.</p> <p>Fiscal year 2006: (A) New budget authority, \$16,779,000,000. (B) Outlays, \$16,779,000,000.</p> <p>Fiscal year 2007: (A) New budget authority, \$18,269,000,000. (B) Outlays, \$18,269,000,000.</p> <p>Fiscal year 2008: (A) New budget authority, \$20,218,000,000. (B) Outlays, \$20,218,000,000.</p> <p>Fiscal year 2009: (A) New budget authority, \$22,229,000,000. (B) Outlays, \$22,229,000,000.</p> <p>(15) Veterans Benefits and Services (700): Fiscal year 2005: (A) New budget authority, \$71,546,000,000. (B) Outlays, \$70,159,000,000.</p>	<p>Fiscal year 2006: (A) New budget authority, \$68,196,000,000. (B) Outlays, \$67,731,000,000.</p> <p>Fiscal year 2007: (A) New budget authority, \$66,209,000,000. (B) Outlays, \$65,834,000,000.</p> <p>Fiscal year 2008: (A) New budget authority, \$69,326,000,000. (B) Outlays, \$69,132,000,000.</p> <p>Fiscal year 2009: (A) New budget authority, \$69,888,000,000. (B) Outlays, \$69,660,000,000.</p> <p>(16) Administration of Justice (750): Fiscal year 2005: (A) New budget authority, \$41,841,000,000. (B) Outlays, \$40,727,000,000.</p> <p>Fiscal year 2006: (A) New budget authority, \$39,490,000,000. (B) Outlays, \$40,336,000,000.</p> <p>Fiscal year 2007: (A) New budget authority, \$40,099,000,000. (B) Outlays, \$40,462,000,000.</p> <p>Fiscal year 2008: (A) New budget authority, \$40,870,000,000. (B) Outlays, \$40,873,000,000.</p> <p>Fiscal year 2009: (A) New budget authority, \$41,206,000,000. (B) Outlays, \$41,228,000,000.</p> <p>(17) General Government (800): Fiscal year 2005: (A) New budget authority, \$16,182,000,000. (B) Outlays, \$16,742,000,000.</p> <p>Fiscal year 2006: (A) New budget authority, \$17,503,000,000. (B) Outlays, \$17,110,000,000.</p> <p>Fiscal year 2007: (A) New budget authority, \$17,611,000,000. (B) Outlays, \$17,245,000,000.</p> <p>Fiscal year 2008: (A) New budget authority, \$17,190,000,000. (B) Outlays, \$16,878,000,000.</p> <p>Fiscal year 2009: (A) New budget authority, \$17,256,000,000. (B) Outlays, \$16,763,000,000.</p> <p>(18) Net Interest (900): Fiscal year 2005: (A) New budget authority, \$270,115,000,000. (B) Outlays, \$270,115,000,000.</p> <p>Fiscal year 2006: (A) New budget authority, \$317,196,000,000. (B) Outlays, \$317,196,000,000.</p> <p>Fiscal year 2007: (A) New budget authority, \$361,739,000,000. (B) Outlays, \$361,739,000,000.</p> <p>Fiscal year 2008: (A) New budget authority, \$394,951,000,000. (B) Outlays, \$394,951,000,000.</p> <p>Fiscal year 2009: (A) New budget authority, \$422,613,000,000. (B) Outlays, \$422,613,000,000.</p> <p>(19) Allowances (920): Fiscal year 2005: (A) New budget authority, -\$11,486,000,000. (B) Outlays, -\$4,584,000,000.</p> <p>Fiscal year 2006: (A) New budget authority, -\$779,000,000. (B) Outlays, -\$3,627,000,000.</p> <p>Fiscal year 2007: (A) New budget authority, -\$987,000,000. (B) Outlays, -\$2,329,000,000.</p> <p>Fiscal year 2008: (A) New budget authority, -\$993,000,000. (B) Outlays, -\$2,091,000,000.</p> <p>Fiscal year 2009: (A) New budget authority, -\$998,000,000. (B) Outlays, -\$1,542,000,000.</p> <p>(20) Undistributed Offsetting Receipts (950): Fiscal year 2005: (A) New budget authority, -\$52,505,000,000. (B) Outlays, -\$52,505,000,000.</p> <p>Fiscal year 2006: (A) New budget authority, -\$59,848,000,000. (B) Outlays, -\$59,848,000,000.</p> <p>Fiscal year 2007: (A) New budget authority, -\$62,437,000,000. (B) Outlays, -\$62,437,000,000.</p> <p>Fiscal year 2008: (A) New budget authority, -\$63,482,000,000.</p>
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(B) Outlays, —\$63,482,000,000.

Fiscal year 2009:

(A) New budget authority, —\$62,725,000,000.

(B) Outlays, —\$62,725,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE SENATE.

(a) **TAX RELIEF.**—The Senate Committee on Finance shall report a reconciliation bill not later than September 30, 2004, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than \$12,311,000,000 for fiscal year 2005 and \$80,642,000,000 for the period of fiscal years 2005 through 2009, and to increase outlays by not more than \$2,000,000,000 for the period of fiscal years 2005 through 2009.

(b) **INCREASE IN STATUTORY DEBT LIMIT.**—The Committee on Finance shall report a reconciliation bill not later than September 30, 2004, that consists solely of changes in laws within its jurisdiction to increase the statutory debt limit by \$664,028,000,000.

TITLE III—RESERVE FUNDS AND

ADJUSTMENTS

Subtitle A—Reserve Funds

SEC. 301. RESERVE FUND FOR HEALTH INSURANCE FOR THE UNINSURED.

If the Committee on Finance or the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that provides health insurance or expands access to care for the uninsured (including a measure providing for tax deductions for the purchase of health insurance or other measures) and including legislation to reallocate and maintain expiring SCHIP funds rather than allowing such funds to revert to the Treasury, increases access to health insurance through lowering costs, and does not increase the costs of current health insurance coverage, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate aggregates to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 302. RESERVE FUND FOR HIGHER EDUCATION.

If the Committee on Health, Education, Labor, and Pensions of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides, funding for—

(1) the reauthorization of the Higher Education Act of 1965, the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, but not to exceed \$1,000,000,000 in new budget authority and \$1,000,000,000 in outlays for fiscal year 2005, \$5,000,000,000 in new budget authority and \$5,000,000,000 in outlays for the period of fiscal years 2005 through 2009; and

(2) a measure that eliminates the accumulated shortfall of budget authority resulting from insufficient appropriations of discretionary new budget authority previously enacted for the Federal Pell Grant Program for awards made through award year 2004–2005, the chairman of the Committee on the Budget may revise the committee allocation and other appropriate budgetary aggregates by the amount provided by that measure for that purpose, but not to exceed \$3,700,000,000 in new budget authority only for fiscal year 2005.

SEC. 303. RESERVE FOR ENERGY LEGISLATION.

If a measure, predominately within the jurisdiction of the Committee on Energy and

Natural Resources of the Senate (including a bill or joint resolution, an amendment or a conference report), is considered in the Senate that provides for a national energy policy and does not reduce revenues by more than \$1,785,000,000 in 2005 and \$15,092,000,000 for the period of fiscal years 2005 through 2009, the chairman of the Committee on the Budget may revise committee allocations for that committee and other appropriate budgetary aggregates and allocation of new budget authority and outlays by the amount provided by that measure for that purpose, but not to exceed \$261,000,000 in new budget authority and \$221,000,000 in outlays for fiscal year 2005 and \$1,465,000,000 in new budget authority and \$1,465,000,000 in outlays for the period of fiscal years 2005 through 2009.

SEC. 304. RESERVE FUND FOR GUARD AND RESERVE HEALTH CARE.

If the Committee on Armed Services or the Committee on Appropriations reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted that expands access to health care for members of the reserve component, the Chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, other appropriate aggregates, and the discretionary spending limits to reflect such legislation, providing that such legislation—

(1) would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009, or would offset such deficit increases through reduction of unobligated balances from Iraqi reconstruction; and

(2) does not exceed \$5,600,000,000 for the period of fiscal years 2005 through 2009.

SEC. 305. RESERVE FUND FOR MONTGOMERY GI BILL BENEFITS.

If the Committee on Armed Services or the Committee on Appropriations reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases benefit levels under the Montgomery GI Bill for members of the Selected Reserves, the Chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, other appropriate aggregates, and the discretionary spending limits to reflect such legislation, providing that such legislation—

(1) would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009; and

(2) does not exceed \$1,200,000,000 for the period of fiscal years 2005 through 2009.

SEC. 306. RESERVE FOR FUNDING OF HOPE CREDIT.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that increases the Hope credit to \$4,000, makes the credit available for 4 years, and makes the credit refundable, the chairman of the Committee on the Budget may revise committee allocations for the Committee on Finance and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, if it would not increase the deficit for fiscal year 2005 or for the total of fiscal years 2005 through 2009.

SEC. 307. RESERVE FUND FOR EXPANSION OF PEDIATRIC VACCINE DISTRIBUTION PROGRAM.

If the Committee on Finance of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that expands the pediatric vaccine distribution program established under section 1928 of the Social Security Act (42 U.S.C. 1396s) to include coverage for children administered a

vaccine at a public health clinic or Indian clinic and repeals the price cap for pre-1993 vaccines, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate aggregates to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 308. RESERVE FUND FOR ADDRESSING MINORITY HEALTH DISPARITIES.

If the Committee on Appropriations of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that addresses minority health disparities through activities including those at the HHS Office of Minority Health, the Office of Civil Rights, the National Center on Minority Health and Health Disparities, the Minority HIV/AIDS initiative, health professions training, and through the Racial and Ethnic Approaches to Community Health at the Centers for Disease Control and provides not to exceed \$400,000,000 in new budget authority for fiscal year 2005, the chairman of the Committee on the Budget may revise allocations of new budget authority and outlays and other appropriate aggregates to reflect such legislation, provided that such legislation would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

SEC. 309. RESERVE FOR POSTAL SERVICE REFORM.

If the Committee on Governmental Affairs of the Senate reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that reforms the United States Postal Service to improve its economic viability, the Chairman of the Committee on the Budget may revise committee allocations for the Committee on Governmental Affairs and other appropriate budgetary aggregates and allocations of new budget authority and outlays by the amount provided by that measure for that purpose, if that measure would not increase the deficit for fiscal year 2005 and for the period of fiscal years 2005 through 2009.

Subtitle B—Adjustments With Respect to Discretionary Spending

SEC. 311. ADJUSTMENT FOR SURFACE TRANSPORTATION.

(a) **IN GENERAL.**—If the Committee on Transportation and Infrastructure of the House or the Committee on Environment and Public Works, the Committee on Banking, Housing, and Urban Affairs, or the Committee on Commerce, Science, and Transportation of the Senate reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority for the budget accounts or portions thereof in the highway and transit categories as defined in subparagraphs (B) and (C) of section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 in excess of—

(1) for fiscal year 2005, \$41,772,000,000; or

(2) for fiscal years 2005 through 2009, \$207,293,000,000;

the chairman of the Committee on the Budget may adjust the appropriate budget aggregates and increase the allocation of new budget authority to such committee for fiscal year 2005 and for the period of fiscal years 2005 through 2009 to the extent such excess is offset by an increase in net new user-fee receipts related to the purposes of the highway trust fund that are appropriated to such fund for the applicable fiscal year caused by such legislation. In the Senate, any increase in receipts shall be reported from the Committee on Finance.

(b) ADJUSTMENT FOR OUTLAYS.—(1) For fiscal year 2005, in the Senate, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of \$40,600,000,000 for fiscal year 2005, for programs, projects, and activities within the highway and transit categories as defined in subparagraphs (B) and (C) of section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the appropriate chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset in 2005 pursuant to subsection (a).

(2) For fiscal year 2006, in the Senate, if a bill or joint resolution is reported, or if an amendment thereto is offered or a conference report thereon is submitted, that changes obligation limitations such that the total limitations are in excess of \$40,621,000,000 for fiscal year 2005, for programs, projects, and activities within the highway and transit categories as defined in subparagraphs (B) and (C) of section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 and if legislation has been enacted that satisfies the conditions set forth in subsection (a) for such fiscal year, the chairman of the Committee on the Budget may increase the allocation of outlays and appropriate aggregates for such fiscal year for the committee reporting such measure by the amount of outlays that corresponds to such excess obligation limitations, but not to exceed the amount of such excess that was offset in 2006 pursuant to subsection (a).

SEC. 312. SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND RELATED ACTIVITIES FOR FISCAL YEAR 2005.

If the President transmits a budget request for additional resources for activities in Iraq and Afghanistan and if the Committee on Appropriations of the Senate reports legislation providing additional discretionary appropriations in excess of the levels assumed in this resolution for defense-related activities for fiscal year 2005, the chairman of the Committee on the Budget may revise the allocation (and all other appropriate levels and aggregates set out in this resolution) for that committee for such purpose but not to exceed: \$30,000,000,000 in new budget authority for fiscal year 2005 and the outlays that flow therefrom.

SEC. 313. ADJUSTMENT FOR WILDLAND FIRE SUPPRESSION.

(a) FINDINGS.—The Senate makes the following findings:

(1) Due to the expansion of the wildland urban interface, severe drought conditions in many regions of the country, and the poor health of the Nation's forests and rangelands, the Forest Service and Department of the Interior regularly spend more than the amount appropriated for fire suppression, and then borrow from other accounts to pay for fire suppression.

(2) This borrowing has a negative effect on many Forest Service and Department of the Interior programs.

(3) This resolution provides an amount equal to the 10-year average for fire suppression in fiscal year 2005.

(4) The Senate recommends that the Forest Service and the Department of the Interior address cost containment within the fire suppression account, and report to Congress regarding how funds appropriated pursuant to this section are used.

(b) CAP ADJUSTMENT.—

(1) DEFINITION.—For this subsection, the term "base amount" refers to the average of the obligations of the preceding 10 years for wildfire suppression in the Forest Service and the Department of the Interior, calculated as of the date of the applicable year's budget request is submitted by the President to Congress.

(2) ADJUSTMENTS FOR FISCAL YEARS 2005 AND 2006.—If the amount appropriated for Wildland Fire Suppression in a fiscal year is not less than the base amount, then the chairman of the Committee on the Budget may adjust the appropriate allocations and other budgetary levels in the most recently agreed to concurrent resolution on the budget for any bill, joint resolution, amendment, motion, or conference report that provides additional funding for wildland fire suppression, but not to exceed—

(A) for the Forest Service—

(i) for fiscal year 2005, \$400,000,000; and

(ii) for fiscal year 2006, \$400,000,000; and

(B) for the Department of the Interior—

(i) for fiscal year 2005, \$100,000,000; and

(ii) for fiscal year 2006, \$100,000,000.

(3) SPECIAL RULE FOR FISCAL YEAR 2004.—If additional funding for wildland fire suppression for fiscal year 2004 is provided in a bill, joint resolution, amendment, motion, or conference report, then the chairman of the Committee on the Budget may determine that such amounts shall not be counted for the purposes of the Congressional Budget Act of 1974 and this resolution, provided that such amounts do not exceed—

(A) for the Forest Service, for fiscal year 2004, \$400,000,000; and

(B) for the Department of the Interior, for fiscal year 2004, \$100,000,000.

SEC. 314. RESERVE FUND FOR ELIMINATING SURVIVOR BENEFIT PLAN-SOCIAL SECURITY OFFSET.

If the Committee on Armed Services or the Committee on Appropriations reports a bill or joint resolution, or an amendment thereto is offered or a conference report thereon is submitted, that provides for an increase to the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, the Chairman of the Committee on the Budget shall revise the aggregates, functional totals, allocations, discretionary caps, and other appropriate levels and limits in this resolution by up to \$2,757,000,000 in budget authority and \$2,757,000,000 in outlays over the total of fiscal years 2005 through 2009.

TITLE IV—BUDGET ENFORCEMENT

SEC. 401. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(b) ACCOUNTS.—An advance appropriation may be provided for fiscal years 2006 and 2007 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed \$23,158,000,000 in new budget authority in each year.

(c) POINT OF ORDER.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(2) PROCEDURE.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of Congressional Budget Act of 1974.

(3) CONFERENCE REPORT.—If a point of order is sustained under subsection (a) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

(d) ADVANCE APPROPRIATION.—In this section, the term "advance appropriation" means any discretionary new budget authority in a bill or joint resolution—

(1) making general appropriations or continuing appropriations for fiscal year 2005 that first becomes available for any fiscal year after 2005; or

(2) making general appropriations or continuing appropriations for fiscal year 2006 that first becomes available for any fiscal year after 2006.

SEC. 402. EXTENSION OF EMERGENCY RULE IN THE SENATE.

Section 502(c) of H. Con. Res. 95 (108th Cong., 1st Sess.) is amended to read as follows:

"(c) IN THE SENATE.—

"(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that the President designates as an emergency requirement and that Congress so designates in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

"(2) EXEMPTION OF EMERGENCY PROVISIONS.—In the Senate, any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302, 303, 311, and 401 of the Congressional Budget Act of 1974 and any concurrent resolution on the budget.

"(3) DESIGNATIONS.—

"(A) GUIDANCE.—In the Senate, if a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subparagraph (B).

"(B) CRITERIA.—

"(i) IN GENERAL.—Any such provision is an emergency requirement if the situation addressed by such provision is—

"(I) necessary, essential, or vital (not merely useful or beneficial);

"(II) sudden, quickly coming into being, and not building up over time;

"(III) an urgent, pressing, and compelling need requiring immediate action;

"(IV) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

"(V) not permanent, temporary in nature.

"(ii) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

"(4) DEFINITIONS.—In this subsection, the terms 'direct spending', 'receipts', and 'appropriations for discretionary accounts' means any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(5) POINT OF ORDER.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of

order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

“(6) **WAIVER AND APPEAL.**—Paragraph (5) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

“(7) **DEFINITION OF AN EMERGENCY DESIGNATION.**—For purposes of paragraph (5), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this section.

“(8) **FORM OF THE POINT OF ORDER.**—A point of order under paragraph (5) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

“(9) **CONFERENCE REPORTS.**—If a point of order is sustained under paragraph (5) against a conference report, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

“(10) **EXCEPTION FOR DEFENSE SPENDING.**—Paragraph (5) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.”.

SEC. 403. DISCRETIONARY SPENDING LIMITS IN THE SENATE.

(a) **DISCRETIONARY SPENDING LIMITS.**—In the Senate and as used in this section, the term “discretionary spending limit” means—

(1) for fiscal year 2005—

(A) \$819,673,000,000 in new budget authority and \$823,694,000,000 in outlays for the discretionary category;

(B) for the highway category, \$33,393,000,000 in outlays; and

(C) for the mass transit category, \$1,488,000,000 in new budget authority, and \$6,726,000,000 in outlays; and

(2) for fiscal year 2006 \$852,257,000,000 in new budget authority, and \$885,860,000,000 in outlays for the discretionary category.

(b) **DISCRETIONARY SPENDING POINT OF ORDER IN THE SENATE.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, it shall not be in order in the Senate to consider any bill or resolution (including a concurrent resolution on the budget) or amendment, motion, or conference report thereon that would exceed any of the discretionary spending limits in this section.

(2) **WAIVER.**—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(3) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(c) **ADJUSTMENTS.**—

(1) **IN GENERAL.**—

(A) **CHAIRMAN.**—After the reporting of a bill or joint resolution, or the offering of an amendment thereto or the submission of a conference report thereon, the chairman of the Committee on the Budget may make the adjustments set forth in subparagraph (B) for the amount of new budget authority in that measure (if that measure meets the requirements set forth in paragraph (2)) and

the outlays flowing from that budget authority.

(B) **MATTERS TO BE ADJUSTED.**—The adjustments referred to in subparagraph (A) are to be made to—

(i) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(ii) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(iii) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget.

(2) **AMOUNTS OF ADJUSTMENTS.**—The adjustment referred to in paragraph (1) shall be—

(A) an amount provided for transportation under section 311;

(B) an amount provided for the fiscal year 2005 supplemental appropriation pursuant to section 312; and

(C) an amount provided for fire suppression pursuant to section 313.

(3) **REPORTING REVISED SUBALLOCATIONS.**—Following any adjustment made under paragraph (1), the Committee on Appropriations of the Senate shall report appropriately revised suballocations under section 302(b) to carry out this subsection.

SEC. 404. SCORING RULES.

(a) **FUNDING FOR BIOSHIELD.**—The chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, and allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by \$2,528,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in fiscal year 2005 and subsequent years for Project Bioshield, for a bill, joint resolution, amendment, or conference report that makes appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2005.

(b) **ENERGY SAVINGS PERFORMANCE CONTRACT PROGRAM.**—In recognition that the energy savings performance contract program recoups its costs through guaranteed savings without increasing budgetary outlays, the Congressional Budget Office shall score the energy savings performance contract program under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 801 et seq.) as zero. For the purposes of any point of order under any concurrent resolution on the budget and the Congressional Budget Act of 1974, the cost of the energy savings performance contract program under title VIII of the National Energy Conservation Policy Act (42 U.S.C. 801 et seq.) shall be zero.

SEC. 405. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

(a) In the Senate, upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the chairman of the Committee on the Budget shall make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

(b) If the Committee on Appropriations reports a bill or resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that changes the nature of offsetting receipts collected from the Power Marketing Administration from mandatory to discretionary, the chairman of the Committee on the Budget may revise the appropriate allocations for such committee and other appropriate levels in this resolution.

SEC. 406. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) **BUDGET COMMITTEE DETERMINATIONS.**—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 407. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 408. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) **POINT OF ORDER.**—

(1) **IN GENERAL.**—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any one of the three applicable time periods as measured in paragraphs (5) and (6).

(2) **APPLICABLE TIME PERIODS.**—For purposes of this subsection, the term “applicable time period” means any 1 of the 3 following periods:

(A) The first year covered by the most recently adopted concurrent resolution on the budget.

(B) The period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(C) The period of the 5 fiscal years following the first 5 fiscal years covered in the most recently adopted concurrent resolution on the budget.

(3) **DIRECT-SPENDING LEGISLATION.**—For purposes of this subsection and except as provided in paragraph (4), the term “direct-spending legislation” means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) **EXCLUSION.**—For purposes of this subsection, the terms “direct-spending legislation” and “revenue legislation” do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) **BASILINE.**—Estimates prepared pursuant to this section shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) **PRIOR SURPLUS.**—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available.

(b) **WAIVER.**—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) **DETERMINATION OF BUDGET LEVELS.**—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

(e) **SUNSET.**—This section shall expire on September 30, 2009.

TITLE V—SENSE OF THE SENATE

SEC. 501. SENSE OF THE SENATE ON BUDGET PROCESS REFORM.

It is the sense of the Senate that Congress and the President should work together to enact budget process reform legislation that would include mechanisms to restrain Government spending. Such legislation may include—

(1) deficit targets that, when exceeded, would result in across-the-board reductions in Federal spending except Social Security, Medicare, and Veterans' benefits;

(2) revision of the content of budget resolutions to increase their focus on aggregate levels, and to include easily understood enforcement tools such as—

(A) discretionary spending limits;

(B) pay-as-you-go; and

(C) explicit committee allocations;

(3) emergency spending procedures which budget for emergency needs;

(4) pay-as-you-go limitations which apply to non-budget expenditures;

(5) limitations on unauthorized appropriations; and

(6) enhanced rescission or constitutional line-item veto authority for the President.

SEC. 502. SENSE OF THE SENATE ON BUDGET PROCESS REFORM WITH REGARD TO THE CREATION OF BIPARTISAN COMMISSIONS TO COMBAT WASTE, FRAUD, AND ABUSE AND TO PROMOTE SPENDING EFFICIENCY.

(a) **WASTE, FRAUD, AND ABUSE.**—It is the sense of the Senate that legislation should

be enacted that would create a bipartisan commission for the purpose of—

(1) submitting recommendations on ways to eliminate waste, fraud, and abuse; and

(2) to provide recommendations on ways in which to achieve cost savings through enhancing program efficiencies in all discretionary and entitlement programs.

The findings of the commission should be made on an annual basis, and should be presented in conjunction with the submission of the President's budget request to Congress.

(b) **EFFICIENCY.**—It is the sense of the Senate that a bipartisan commission should be established to—

(1) audit Federal domestic agencies, and programs within such agencies, with the express purpose of providing Congress with recommendations, and legislation;

(2) implement those recommendations; and

(3) realign or eliminate government agencies and programs that are duplicative, inefficient, outdated, irrelevant, or have failed to accomplish their intended purpose.

The findings of the commission should be made on an annual basis, and should be presented in conjunction with the submission of the President's budget request to Congress.

SEC. 503. SENSE OF THE SENATE ON THE RELATIONSHIP BETWEEN ANNUAL DEFICIT SPENDING AND INCREASES IN DEBT SERVICE COSTS.

It is the sense of the Senate that the Congressional Budget Office shall consult with the Committee on the Budget of the Senate in order to prepare a report containing a discussion of—

(1) the relationship between annual deficit spending and increases in debt service costs;

(2) the relationship between incremental increases in discretionary spending and debt service costs; and

(3) the feasibility of providing estimates of debt service costs in the cost estimates prepared pursuant to section 308 of the Congressional Budget Act of 1974.

SEC. 504. SENSE OF THE SENATE REGARDING THE COSTS OF THE MEDICARE PRESCRIPTION DRUG PROGRAM.

It is the sense of the Senate that the Committee on Finance of the Senate should report a bill that consists of changes in laws within its jurisdiction sufficient to ensure that spending within part D of the Medicare Prescription Drug Benefit program in fiscal years 2005 through 2013 does not exceed the total of \$409,000,000,000 as estimated by the Congressional Budget Office.

SEC. 505. SENSE OF THE SENATE REGARDING PAY PARITY.

It is the sense of the Senate that—

(1) compensation for civilian and military employees of the United States, without whom we cannot successfully serve and protect our citizens and taxpayers, must be sufficient to support our critical efforts to recruit, retain, and reward quality people effectively and responsibly; and

(2) to achieve this objective, the rate of increase in the compensation of civilian employees should be equal to that proposed for the military in the President's Fiscal Year 2005 Budget.

SEC. 506. SENSE OF THE SENATE ON RETURNING STABILITY TO PAYMENTS UNDER MEDICARE PHYSICIAN FEE SCHEDULE.

(a) **FINDINGS.**—The Senate finds that—

(1) the fees Medicare pays physicians and other health professionals were reduced by 5.4 percent across-the-board in 2002.

(2) action by Congress in early 2003 narrowly averted a 4.4-percent across-the-board reduction in such fees that year;

(3) in the fall of 2003, congressional action was once again needed to prevent an across-the-board reduction of 4.5 percent in such

fees for 2004, as well as an anticipated further reduction in 2005;

(4) based on current projections, estimates suggest that, absent any action, fees will be significantly reduced across-the-board in 2006 and each year thereafter until at least 2010;

(5) the prospect of continued payment reductions under the Medicare physician fee schedule for the foreseeable future threatens to destabilize an important element of the program, namely physician participation and willingness to accept Medicare patients;

(6) there are major flaws in the formula Medicare uses to reimburse physicians which result in steep cuts that adversely impact Medicare beneficiaries' access to care; and

(7) CMS should use its authority to exclude Medicare-covered drugs and biologics from the physician formula and accurately reflect in the formula the direct and indirect cost of increases due to coverage decisions, administrative actions, and rules and regulations.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that, while recent actions by Congress have helped address the immediate reductions in reimbursement, further action by Congress is urgently needed to put in place a new formula or mechanism for updating Medicare physician fees in 2006 and thereafter, in order to ensure—

(1) the long-term stability of the Medicare payment system for physicians and other health care professionals, such that payment rates keep pace with practice cost increases; and

(2) future access to physicians' services for Medicare beneficiaries.

SEC. 507. SENSE OF THE SENATE REGARDING THE USE OF FEDERAL FUNDS TO SUPPORT AMERICAN COMPANIES AND AMERICAN WORKERS.

(a) **FINDINGS.**—The Senate finds that—

(1) the United States has lost more than 2,200,000 manufacturing jobs since 2000;

(2) the Bureau of Labor Statistics reported that 239,454 workers in a variety of sectors of the United States economy lost their jobs as a result of mass layoffs in January 2004;

(3) there are millions of long-term unemployed Americans who have been unable to find work; and

(4) the Buy American Act requires the Federal Government to support American companies and American workers by buying American-made goods.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the functional totals in this resolution assume that—

(1) Federal departments and agencies will, to the maximum extent possible, purchase goods and services from American companies; and

(2) Federal departments and agencies will ensure that, to the maximum extent possible, the work required by Federal contracts for goods and services will be performed in the United States.

SEC. 508. SENSE OF THE SENATE REGARDING CLOSING THE "TAX GAP".

(a) **FINDINGS.**—The Senate finds that—

(1) the Internal Revenue Service estimates that the gross tax gap (the difference between the amount of taxes owed by taxpayers and the amount actually collected) is now estimated to be in excess of \$300,000,000,000 annually;

(2) the Internal Revenue Service reports that the rate of voluntary and timely compliance from taxpayers in paying what they owe is approximately 85 percent;

(3) this overwhelming majority of honest and hardworking taxpayers are forced to make up the shortfall that results from taxpayers who fail to pay what they owe voluntarily;

(4) a former Commissioner of Internal Revenue has estimated that honest taxpayers

are paying "15 percent more" than necessary if the tax gap were closed;

(5) the current Commissioner of Internal Revenue is concerned that increasing numbers of taxpayers believe that people are less likely to report their income taxes accurately and more inclined to take a chance that they will not be audited; and

(6) that an increase in enforcement efforts on taxes already due and owing can generate significant additional revenues without raising taxes.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Internal Revenue Service should be provided the resources necessary to increase enforcement activities that would be concentrated on efforts to reduce the tax gap substantially by the end of fiscal year 2009.

SEC. 509. SENSE OF THE SENATE AMENDMENT ON DRUG COMPARATIVENESS STUDIES.

It is the sense of the Senate that the overall discretionary levels set in this resolution assume \$75,000,000 in new budget authority in fiscal year 2005 and new outlays that flow from this budget authority in fiscal year 2005 and subsequent years, to fund new research and ongoing literature surveys in the Agency for Health Care Research and Quality. These activities will be designed to improve scientific evidence related to the comparative effectiveness and safety of prescription drugs and other treatments and to disseminate the findings and underlying data from such research to health care practitioners, consumers, and health care purchasers.

SEC. 510. SENSE OF THE SENATE REGARDING FUNDING FOR PORT SECURITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) In the United States, the system of maritime commerce, including seaports and other ports, is a critical element of the United States economic, social, and environmental infrastructure.

(2) In 2001, ports in the United States handled approximately 5,400 ships, the majority of which were owned by foreign persons and crewed by nationals of foreign countries, that made a total of more than 60,000 calls at such ports.

(3) In a typical year, more than 17,000,000 cargo containers are handled at ports in the United States.

(4) Maritime commerce is the primary mode of transportation for international trade, with ships carrying more than 80 percent of such trade, by volume.

(5) Disruption of trade flowing through United States ports could have a catastrophic impact on both the United States and the world economies.

(6) In addition to the economic importance of United States ports, such ports form a critical link in the United States national security structure, and are necessary to ensure that United States military material can be effectively and quickly shipped to any location where such material is needed.

(7) Terrorist groups, including extremist groups such as al Qaeda, are likely to consider, formulate, and execute plans to conduct a terrorist strike against one or more of the ports in the United States.

(8) Terrorists have conducted attacks against maritime commerce in the past, including the October 2002 attack on the French oil tanker LIMBERG and the October 2000 attack on the USS COLE in Yemen.

(9) It is critical that port security be enhanced and improved through the adoption of better formulated security procedures, the adoption of new regulations and law, and investment in long-term capital improvements to the structure of the United States most critical ports.

(10) Effective funding to provide adequate security at United States ports requires a

commitment to provide Federal funds over multiple years to fund long-term capital improvement projects.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the budget of the United States should provide adequate funding for port security projects and not less than the amount of such funding that is adequate to implement an effective port security plan;

(2) the implementation of the budget of the United States should permit the provision of Federal funds over multiple years to fund long-term security improvement projects at ports in the United States; and

(3) the Secretary of Homeland Security should, as soon as practicable, develop a funding plan for port security that permits funding over multiple years for such projects.

SEC. 511. SENSE OF THE SENATE REGARDING TRIBAL COLLEGES AND UNIVERSITIES.

(a) FINDINGS.—The Senate finds the following:

(1) American Indians from 250 federally recognized tribes nationwide attend tribal colleges and universities, a majority of whom are first-generation college students.

(2) Tribal colleges and universities are located in some of the most isolated and impoverished areas in the Nation, yet they are the Nation's most poorly funded institutions of higher education. While the Tribally Controlled College or University Assistance Act, or "Tribal College Act," provides funding based solely on Indian students, the colleges have open enrollment policies providing access to postsecondary education opportunities to all interested students, about 20 percent of whom are non-Indian. With rare exception, tribal colleges and universities do not receive operating funds from the States for these non-Indian State resident students. Yet, if these same students attended any other public institutions in their States, the State would provide basic operating funds to the institution.

(3) While Congress has been increasing annual appropriations for tribal colleges in recent years, the President's fiscal year 2005 budget recommends a \$5,500,000 decrease in institutional operating funds. This represents the third consecutive year that the President's budget proposed decreases that Congress must restore.

(4) Because of congressional budget restorations, the tribal colleges funded through titles I and II of the Tribally Controlled College or University Assistance Act are within \$19,000,000 of full funding at their authorized level.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this resolution recognizes the funding challenges faced by tribal colleges and universities and assumes that priority consideration will be provided to them through funding of the Tribally Controlled College or University Assistance Act, the Equity in Educational Land Grant Status Act, title III of the Higher Education Act, and the National Science Foundation Tribal College Program; and

(2) such priority consideration reflects the intent of Congress to continue to work toward statutory Federal funding authorization goals for tribal colleges and universities.

SEC. 512. FINDINGS AND SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the United States is in the grip of pervasively higher home energy prices;

(2) high natural gas, heating oil, and propane prices are, in general, having an effect that is rippling through the United States economy and are, in particular, impacting home energy bills;

(3) while persons in many sectors can adapt to natural gas, heating oil, and propane price increases, persons in some sectors simply cannot;

(4) elderly and disabled citizens who are living on fixed incomes, the working poor, and other low-income individuals face hardships wrought by high home energy prices;

(5) the energy burden for persons among the working poor often exceeds 20 percent of those persons' incomes under normal conditions;

(6) under current circumstances, home energy prices are unnaturally high, and these are not normal circumstances;

(7) while critically important and encouraged, State energy assistance and charitable assistance funds have been overwhelmed by the crisis caused by the high home energy prices;

(8) the Federal Low-Income Home Energy Assistance Program (referred to in this section as "LIHEAP") and the companion weatherization assistance program (referred to in this section as "WAP"), are the Federal Government's primary means to assist eligible low-income individuals in the United States to shoulder the burdens caused by their home cooling and heating needs;

(9) in 2003, LIHEAP reached only 15 percent of the persons in the United States who were eligible for assistance under the program;

(10) since LIHEAP's inception, its inflation-adjusted buying power has eroded by 58 percent; and

(11) current Federal funding for LIHEAP is not sufficient to meet the cooling and heating needs of low-income families.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume—

(1) an adequate increase in funding for each of fiscal years 2005 and 2006 to carry out the LIHEAP program;

(2) an adequate increase in funding for fiscal year 2005 and an adequate increase in funding for fiscal year 2006 to carry out the WAP program;

(3) appropriations, for these programs, of sufficient additional funds to realistically address the cooling and heating needs of low-income families; and

(4) advance appropriations of the necessary funds to ensure the smooth operation of the programs during times of peak demand.

SEC. 513. SENSE OF THE SENATE SUPPORTING FUNDING RESTORATION FOR AGRICULTURE RESEARCH AND EXTENSION.

(a) FINDINGS.—Congress finds that—

(1) funding for 33 programs administered by the Cooperative State Research, Education, and Extension Service of the Department of Agriculture were each reduced by 10 percent in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2004 (118 Stat. 9);

(2) those cuts are already hurting a wide range of proven programs that help people, communities, and businesses;

(3) the cuts have put at risk important advances made in all 50 States and United States territories, including—

(A) combating obesity through programs such as the Expanded Food and Nutrition Education Program;

(B) expanding environmentally-minded pest management programs;

(C) ensuring food safety; and

(D) educating farmers and ranchers about new sustainable agricultural practices;

(4) the National Research Initiative is the flagship competitive grants program funded through the Cooperative State Research, Education, and Extension Service;

(5) because of limited funding the Service is able to fund only a small fraction of the meritorious research proposals that the

Service receives under the National Research Initiative program; and

(6) base funding at the Service that supports the research infrastructure has fallen steadily over the past decade.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that levels in this concurrent resolution assume that in making appropriations and revenue decisions, the Senate supports—

(1) the restoration of the 33 accounts of the Cooperative State Research, Education, and Extension Service;

(2) the fiscal year 2005 funding of the National Research Initiative; and

(3) the fiscal year 2005 funding of competitive research programs of the Cooperative State Research, Education, and Extension Service in an amount that is adequate to—

(A) fight obesity and stave off chronic diseases;

(B) combat insects and animal and plant diseases;

(C) establish new crops, improved livestock, and economic opportunities for producers; and

(D) keep pathogens and other dangers out of the air, water, soil, plants, and animals.

SEC. 514. RESERVE FUND FOR HOMELAND SECURITY GRANT PROGRAM, ASSISTANCE TO FIREFIGHTER GRANTS, AND PORT SECURITY GRANTS.

The Chairman of the Committee on the Budget of the Senate shall revise the aggregates, functional totals, allocations to the Committee on Appropriations of the Senate, discretionary spending limits, and other appropriate levels and limits in this resolution by up to \$1,545,000,000 in budget authority for fiscal year 2005, and by the amount of outlays flowing therefrom in 2005 and subsequent years, for a bill, amendment, motion, or conference report that provides additional fiscal year 2005 discretionary appropriations, in excess of the levels provided in this resolution, for the programs at the Department of Homeland Security.

SEC. 515. STATE HOMELAND SECURITY GRANT PROGRAM.

It is the sense of the Senate that, of the funds for the Department of Homeland Security, \$800,000,000 shall be allocated for the State Homeland Security Grant program; \$250,000,000 for the Assistance to Firefighters Grant program; and \$275,000,000 for Port Security Grants. It is further the sense of the Senate that the State Homeland Security Grant Program shall be increased by \$220,000,000 in order to provide for a more equitable formula for distributing funds.

SEC. 516. STRATEGIC PETROLEUM RESERVE.

It is the sense of the Senate that the increased funding for the Homeland Security Department programs shall come from the cancellation of planned future deliveries of oil to the Strategic Petroleum Reserve.

SEC. 517. SENSE OF THE SENATE CONCERNING A NATIONAL ANIMAL IDENTIFICATION PROGRAM.

(a) FINDINGS.—The Senate finds that—

(1) animal identification is important for operational management, herd health, and increased trade opportunities;

(2) animal identification is a critical component of the animal health infrastructure of the United States;

(3) it is vital to the well-being of all people in the United States to protect animal agriculture in the United States by safeguarding animal health;

(4) the ability to collect information in a timely manner is critical to an effective response to an imminent threat to animal health or food safety.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume that in making ap-

propriations and revenue decisions, the Senate supports—

(1) the development and implementation of a national animal identification program recognizing the need for resources to carry out the implementation of the plan;

(2) the provision by the Secretary of Agriculture of a time-line for the development and implementation of the program as soon as practicable after the date of approval of this concurrent resolution;

(3) the provision by the Secretary of Agriculture to ensure the Animal and Plant Health Inspection Service, State animal health agencies, and agricultural producers are provided funds necessary to implement a national animal identification program; and

(4) the establishment of a program that is not overly burdensome to agricultural producers and ensures the privacy of information of agricultural producers.

SEC. 518. SENSE OF THE SENATE REGARDING CONTRIBUTIONS TO THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS, AND MALARIA.

(a) FINDINGS.—The Senate finds that—

(1) the United States—

(A) helped establish The Global Fund to Fight AIDS, Tuberculosis, and Malaria (referred to in this section as the "Fund");

(B) provided its first donation; and

(C) provides leadership to the Fund under Fund Board Chairman Tommy Thompson, Secretary of the Department of Health and Human Services;

(2) as a complement to the President's historic 15-country AIDS initiative, the Fund provides resources to fight AIDS, tuberculosis, malaria, and related diseases around the world;

(3) section 202 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2004 (22 U.S.C. 7622) authorizes contributions to the Fund to the extent that United States contributions do not exceed 33 percent of all contributions to the Fund, allowing the United States to contribute \$1 for every \$2 contributed by other sources.

(4) during fiscal years 2001 through 2003, the United States provided \$623,000,000 of the total contributions of \$1,900,000,000 to the Fund, which represents approximately 1/3 of total contributions to the Fund;

(5) Congress has appropriated \$547,000,000 to the Fund for fiscal year 2004, which has been matched by confirmed pledges of \$994,000,000, and is slightly more than 1/3 of total pledges, with additional pledges expected;

(6) over the life of the Fund, Congress has appropriated sufficient amounts to match contributions from other sources to The Global Fund to Fight AIDS, Tuberculosis, and Malaria on a 1-to-2 basis; and

(7) transparency and accountability are critical to fund grant-making and the United States should work with foreign governments and international organizations to support the Fund's efforts to use its contributions most effectively.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this concurrent resolution and subsequent appropriations Acts should provide sufficient funds to continue matching contributions from other sources to The Global Fund to Fight AIDS, Tuberculosis, and Malaria on a 1-to-2 basis.

SEC. 519. SENSE OF THE SENATE CONCERNING CHILD NUTRITION FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) Federal child nutrition programs have long played a critical role in providing children in the United States with quality nutrition from birth through secondary school;

(2) recognizing the value of these benefits to children in the United States, Congress has an enduring tradition of bipartisan support for these programs;

(3) children in the United States are increasingly at nutritional risk due to poor dietary habits, lack of access to nutritious foods, and obesity and diet-related diseases associated with poor dietary intake;

(4) many children in the United States who would benefit from Federal child nutrition programs do not receive benefits due to financial or administrative barriers; and

(5) Federal child nutrition programs are expected to be reauthorized in the One Hundred Eighth Congress.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this concurrent resolution assume that in making appropriations and revenue decisions, the Senate supports the retention in the conference report for this concurrent resolution of the additional funds provided in this concurrent resolution for the reauthorization of Federal child nutrition programs.

SEC. 520. SENSE OF THE SENATE REGARDING COMPENSATION FOR EXPOSURE TO TOXIC SUBSTANCES AT THE DEPARTMENT OF ENERGY.

(a) FINDINGS.—The Senate finds the following:

(1) The Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) (referred to in this section as the "EEOICPA") is intended to ensure the timely payment of uniform and adequate compensation to covered employees suffering from occupational illnesses incurred during their work for the Department of Energy.

(2) The Department of Labor is responsible for implementing the provisions under subtitle B of the EEOICPA, relating to claims for radiation related cancers, beryllium disease, and silicosis. The Department of Labor has, within its area of responsibility, processed over 95 percent of the 52,000 claims it has received, and is processing these claims in an average of 73 days.

(3) As of the date of enactment of this resolution, the Department of Health and Human Services has not promulgated the regulations required under section 3626 of the EEOICPA for allowing claimants to petition to be members of the Special Exposure Cohort. Special Exposure Cohorts provide a presumption in favor of the claimant for radiation related cancers if—

(A) it is not feasible to estimate radiation dose with sufficient accuracy; and

(B) there is a reasonable likelihood that the health of the class of workers may have been endangered.

(4) The Department of Energy, which is responsible for implementing subtitle D of the EEOICPA, relating to occupational illness caused by exposure to toxic substances at Department of Energy facilities, finalized its regulations on August 14, 2002. The Department of Energy has processed 1 percent of the 22,000 claims received through the Department of Energy physicians panels since its regulations were made final.

(5) The Department of Energy has no willing payor for up to 50 percent of the claims that its physicians panels determine to be related to exposure to a toxic substance at the Department of Energy. As a consequence, many claimants with a positive determination from the physicians panel will be denied benefits. Many States, including Alaska, Colorado, Iowa, Kentucky, Missouri, Ohio, New Mexico, Idaho, and Nevada, may not have a willing payor.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) claims for occupational illness, which are determined to be caused by exposure to toxic substances at Department of Energy facilities under subtitle D of the EEOICPA, should be promptly, equitably, and efficiently compensated;

(2) administrative and technical changes should be made to the EEOICPA to—

(A) improve claims processing and review by physicians panels to ensure cost-effective and efficient consideration and determination of workers' claims;

(B) provide for membership in additional special exposure cohorts; and

(C) address eligibility issues at facilities with residual radiation; and

(3) the President and Congress should work together at the earliest opportunity to develop a plan that effectively resolves the issue of a lack of a willing payor for many claims that are determined under subtitle D of the EEOICPA to be related to exposure to a toxic substance at Department of Energy facilities.

SEC. 521. SENSE OF THE SENATE REGARDING TAX INCENTIVES FOR CERTAIN RURAL COMMUNITIES.

It is the sense of the Senate that if tax relief measures are passed in accordance with the assumptions in this resolution in this session of Congress, such legislation should include—

(1) tax and other financial incentives, similar to those included in the New Homestead Act (S. 602), to help rural communities fight the economic decimation caused by chronic out-migration by giving such communities the tools they need to attract individuals to live and work, or to start and grow a business, in such rural areas, and

(2) revenue provisions which fully offset the cost of such tax and other financial incentives.

SEC. 522. SENSE OF THE SENATE CONCERNING SUMMER FOOD PILOT PROJECTS.

It is the sense of the Senate that the levels in this concurrent resolution assume that in making appropriations and revenue decisions in Function 600 (Income Security), the Senate supports the provision, to the Food and Nutrition Service and other appropriate agencies within the Department of Agriculture, of \$15,000,000 for fiscal year 2005, and \$127,000,000 for the period of fiscal years 2005 through 2009, to enable those agencies to expand the summer food pilot projects established under section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) to all States of the United States and to all service institutions (including service institutions described in section 13(a)(7) of that Act).

MOTION OFFERED BY MR. NUSSLE

Mr. NUSSLE. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. NUSSLE moves to strike all after the resolving clause of S. Con. Res. 95 and insert in lieu thereof the text of House Concurrent Resolution 393 as adopted by the House.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. NUSSLE).

The motion was agreed to.

The Senate concurrent resolution was concurred in.

HOOR OF MEETING ON TOMORROW

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow for morning hour debate as though after May 31, 2004, thereafter to resume its session at 10 a.m.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MAXINE S. POSTAL UNITED STATES POST OFFICE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and pass H.R. 3917 to the end that the Chair put the question on the motion de novo.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CARTER) that the House suspend the rules and pass the bill, H.R. 3917.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. These votes will be taken in the following order:

Motion to concur in Senate amendments to H.R. 2584, by the yeas and nays;

H.R. 3723, by the yeas and nays.

Both of these will be 15-minute votes.

UTROK ATOLL VESSEL CONVEYANCE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 2584.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2584, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 379, nays 1, not voting 53, as follows:

[Roll No. 94]

YEAS—379

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley

Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd

Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Caputo
Capps
Capuano

Cardin
Cardoza
Carson (IN)
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Evans
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson

Hoekstra
Holden
Holt
Honda
Hookey (OR)
Hostettler
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klecza
Kline
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nethercutt

Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascarell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryan (KS)
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney

Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)

Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler

Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Paul

NOT VOTING—53

Ackerman
Bachus
Barrett (SC)
Becerra
Bell
Berman
Brown, Corrine
Burr
Carson (OK)
Davis (AL)
DeMint
Doolittle
Etheridge
Everett
Fattah
Foley
Frank (MA)
Gallegly

Gephardt
Greenwood
Gutierrez
Hefley
Hoeffel
Hulshof
Hunter
Jackson-Lee
(TX)
John
Kilpatrick
Knollenberg
Kucinich
Lewis (GA)
Lipinski
Maloney
McIntyre
Neal (MA)

Ose
Oxley
Payne
Pomeroy
Portman
Rahall
Ros-Lehtinen
Ryan (OH)
Sanders
Shays
Stark
Tanner
Tausin
Taylor (MS)
Taylor (NC)
Terry
Toomey
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER pro tempore** (Mr. CULBERSON) (during the vote). Members are advised they have 2 minutes in which to cast their vote.

□ 1857

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VAUGHN GROSS POST OFFICE BUILDING

The **SPEAKER pro tempore**. The pending business is the question of suspending the rules and passing the bill, H.R. 3723.

The Clerk read the title of the bill.

The **SPEAKER pro tempore**. The question is on the motion offered by the gentleman from Texas (Mr. CARTER) that the House suspend the rules and pass the bill, H.R. 3723, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 54, as follows:

[Roll No. 95]

YEAS—379

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Ballance
Ballenger
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Berkley
Berry

Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)

Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burns
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)

Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Evans
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt

Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klecza
Kline
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDemott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes

Nussle
Oberstar
Obey
Oliver
Ortiz
Osborne
Otter
Owens
Pallone
Pascarell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda
T.
Sanchez, Loretta
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)

Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp

Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield

Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—54

Ackerman
Bachus
Barrett (SC)
Becerra
Bell
Berman
Brown, Corrine
Burr
Carson (OK)
Davis (AL)
DeMint
Doolittle
Etheridge
Everett
Fattah
Foley
Frank (MA)
Gallegly
Gephardt

Greenwood
Gutierrez
Hefley
Hoeffel
Hulshof
Hunter
Jackson-Lee
(TX)
John
Johnson, E. B.
Kilpatrick
Knollenberg
Kucinich
Lewis (GA)
Lipinski
Maloney
McIntyre
Murtha
Neal (MA)

Ose
Oxley
Payne
Portman
Rahall
Ros-Lehtinen
Ryan (OH)
Sanders
Shays
Stark
Tanner
Tausin
Taylor (MS)
Taylor (NC)
Terry
Toomey
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER pro tempore** (Mr. CULBERSON) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1915

So (two thirds having voted in favor therefore) the rules were suspended and the bill was passed.

The result of the was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. OXLEY. Mr. Speaker, I was in constituent meetings in my congressional district on Monday, March 29, 2004. As such, I was absent from the House floor during the rollcall votes on H.R. 2584, providing for the conveyance of a decommissioned National Oceanic and Atmospheric Administration ship to the Utrok Atoll local government, and H.R. 3723, the Vaughn Gross Post Office Building Designation Act. Had I been present, I would have voted "yea" on each of these bills.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to personal business, I was unable to record my vote on the two votes ordered for today. If I had been present I would have voted "yea" on H.R. 2584 regarding the Conveyance of NOAA Ship to the Utrok Atoll (rollcall No. 94), and "yea" on H.R. 3723, the Vaughn Gross Post Office (rollcall No. 95).

CONGRATULATING BAPTIST HOSPITAL ON RECEIVING MALCOLM BALDRIGE NATIONAL QUALITY AWARD

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute.)

Mr. MILLER of Florida. Mr. Speaker, it is my honor today to recognize and congratulate one of the finest acute care hospitals in the Nation, Baptist Hospital, located in Pensacola, Florida.

It is the third hospital in the Nation to receive the prestigious Malcolm Baldrige Quality Award. The Baldrige award, created in 1997 to honor the memory of the former Commerce Secretary Malcolm Baldrige, is the Nation's highest honor for quality achievement by companies, agencies and organizations.

Every day the 2,252 employees at Baptist Hospital bring their unique skills to work with them to serve their patients. When walking into any Baptist Healthcare facility, you will be greeted with a smile and a "how may I help you?" The company should pride itself on its highly efficient and effective working environment, but, more importantly, it should take pleasure in knowing their employees have worked together to give the company a family-like atmosphere.

Mr. Speaker, Baptist Hospital is a world-class hospital striving for excellence every day and achieving extraordinary results in all areas of service. On behalf of the United States Congress, I would like to congratulate Baptist Hospital on their prestigious award and exemplary service to northwest Florida communities.

□ 1916

CELEBRATING GREEK INDEPENDENCE DAY

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise to celebrate Greek Independence Day with the people of Greece and Greek Americans. March 25, 2004, marked the 183rd anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire. It is important for us to not only recognize and celebrate this day with the people of Greece but also to reaffirm the democratic heritage from which the United States and the country of Greece were born.

I am proud to represent Greek Town in the city of Chicago, and I certainly want to extend congratulations to not only my Greek constituents but the people of Greece all over the world and especially those in Greece.

MEDICARE

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise this evening because many of my elderly constituents in Florida have been misled about the new Medicare law. They have been misinformed because of the distortions spread by some of the liberal special interest groups and, quite honestly, some bitter Democrat politicians. These insincere groups have even tried to smear the AARP, an organization

that seniors have trusted for over 45 years. They have tried to discredit AARP along with 300 other health care organizations. AARP supports the health care law that Democrats quite honestly wish that they could take credit for. Unlike what appears on TV, the biggest supporters of this bill are not the pharmaceutical companies. They are patients rights groups, senior advocacy groups, nurses and other health care professionals who have made quality health care and services their priority.

Mr. Speaker, I ask, are 300 non-partisan organizations interested only in health care all wrong, while a handful of politically motivated Democrat interest groups are right? The answer is absolutely not.

MEDICARE CREDIBILITY GAP

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, I hear my friends on the other side of the aisle talk about the Medicare bill. This was a bill that the President told us cost \$400 billion. Yet people in the department who were not allowed to tell Congress had told the White House it would cost \$550 billion. That is the first part of the credibility gap.

The second part of the credibility gap is that the President said this was a bill to help America's seniors, when in fact this bill will mean \$139 billion more in drug company profits, \$46 billion in direct subsidies from taxpayers, from all of us, directly to the insurance industry.

This bill was written in the Oval Office, this Medicare law, by the drug industry and by the insurance industry while the President and the Vice President stood by and tried to pretend that it was for American seniors. That is the credibility gap this President and this Vice President have.

We should have passed a prescription drug benefit for Medicare beneficiaries, not for the drug companies, not for the insurance companies.

RECOGNIZING FRANKLIN, TENNESSEE, ON ITS SELECTION AS A PRESERVE AMERICA COMMUNITY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today I rise to recognize Franklin, Tennessee. Franklin and Williamson County, Tennessee, were recognized today and were given a great honor. They received the Preserve America Community distinction. This comes from the White House Advisory Council on Preservation. Franklin deserves this. We were so excited that the Preserve America distinction came to them today. They are one of only 28 towns in America to receive this award. This

has come because of a tremendous commitment from the community over the past several decades. We have had thousands of volunteers. It has been a partnership effort between volunteers and also between the local, the State and the Federal elected officials, and the hard work and the dedication to preserve the history and the heritage of Franklin and Williamson County, to educate future generations and to let them see what makes this community unique and special. That was recognized today.

Mr. Speaker, we applaud them, we say congratulations to Franklin, Tennessee. We know the best is yet to come.

QUESTIONS REGARDING 9/11

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. What does the President's national security adviser, Condoleezza Rice, have to hide? It might have been that she told the 9/11 Commission that she misspoke when she said that there was no intelligence that terrorists might use airplanes as weapons and that the administration had no knowledge of that. Of course, she did all that in private. In public she is spinning a very different story. She has appeared everywhere and anywhere on the press, with the press, in public; but she will not go before the 9/11 Commission and give sworn testimony to that commission and the American public. We deserve better. We deserve the truth about 9/11, what the administration knew and when they knew it.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTRODUCTION OF RESOLUTION EXPRESSING SENSE OF CONGRESS THAT ALCOHOL ADVERTISING DURING BROADCASTS OF COLLEGIATE SPORTING EVENTS SHOULD BE TERMINATED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, not long ago the National Academy of Science released a report on preventing underage drinking. This week, the Final Four NCAA basketball playoffs will occur. I believe there is a connection. The National Academy of Science report recommended that colleges and universities ban alcohol advertising and promotion on campus. Other important research points to the problem of alcohol consumption on college campuses. For example, the proportion of

college students who say they drink to get drunk is rising. It is almost one-half. Underage drinking costs the United States \$53 billion annually. There are roughly 3 million teenage alcoholics in our country. Despite these grim statistics concerning underage drinking, alcohol advertising accounts for more than one-half of college sports advertising revenue. The 2002 NCAA basketball tournament had more alcohol ads than the Super Bowl, World Series, college bowl games, and Monday Night Football combined. The basketball tournament has more than 16 times the rate of alcohol advertising as normal programming.

A spokesperson from the NCAA recently said such advertising is "not inconsistent with our mission." I guess I would beg to differ with that statement. The NCAA statement of purpose indicates that part of its mission is to prepare student athletes for lifetime leadership. The NCAA handbook states that NCAA policies should exclude advertisements that do not seem to be in the best interests of higher education.

In view of the fact that nearly one-half of college students are binge drinkers; 1,400 college students die annually from alcohol-related incidents, which is the leading cause of death on the college campus; more than 70,000 students are victims of alcohol-related sexual assaults; 500,000 students are injured each year while drunk; recent recruiting scandals at NCAA schools were often alcohol-related, I would have to say that there is great inconsistency in linking college athletics with the alcohol industry. The 12-, 13-, 14- and 15-year-olds watching the tournament this weekend will witness great athletes display their skills. These young people will identify with those athletes, and they want to be like them. Sandwiched into the telecasts will be many ads promoting alcohol; and most of the ads will contain attractive young people, celebrations and sometimes adolescent humor. The connection between players on the court and the alcohol advertising will be subtle, but it will be very real.

Dean Smith, my friend, the former North Carolina basketball coach, said this: "If aspirin were the leading cause of death on college campuses, do you think chancellors, presidents and trustees would allow aspirin commercials on basketball and football telecasts? They wouldn't, not for a minute."

I spoke today with John Wooden, in my time maybe the greatest coach of all time. He won 10 NCAA basketball championships in 12 years. John said that he wholeheartedly endorses taking alcohol advertising out of college sports. Andy Geiger, the Ohio State athletic director, opposes alcohol advertising. Eighty-four percent of Americans think advertising beer on college games is not in the best interest of higher education. Seventy-one percent of Americans support a total ban of alcohol ads on college games. Seventy-

seven percent of parents say it is wrong for colleges to profit from alcohol advertising while trying to combat alcohol abuse on their campuses.

The alcohol industry will counter by indicating how much money they spend to curb underage drinking. However, in 2001 the alcohol industry spent a total of \$811 million on product promotion and only 1 percent of the ads promoted responsibility. The placement of their ads and the content of their ads cater to a youthful market. Young people always represent future customers.

I do not advocate Congress legislating NCAA matters. The NCAA is a voluntary organization and such legislation should be left to the schools. And I do not believe that eliminating alcohol ads on college sports will end underage drinking. However, I do urge my colleagues to support House Resolution 575, expressing the sense of the House that the NCAA should affirm its commitment to a policy of discouraging alcohol use among underage students by ending all alcohol advertising during radio and television broadcasts of collegiate sporting events.

Hopefully, this resolution will help college administrators see the untenable position they now occupy and move to end current alcohol advertising.

ASSAULT WEAPONS BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, next week the House goes into recess. Yet the House has failed to address the expiration of the assault weapons ban. We in Congress should be looking at this again. September 13 is when it expires. We have 168 days to take care of this. The good news for terrorists, cop killers, and drug dealers is that they will be back on the streets with the assault weapons of their choice.

□ 1930

Since I took the floor last week, over 400 Americans have died from gun violence in this country. By the time the House comes back, we will have lost another 800 Americans in this country. But instead of doing the commonsense thing, instead of having a sense of urgency, the House has stood idly by.

Some seem content to let the assault weapons ban expire on September 13. I am not. The ban has kept us safer for the past 10 years. There is no reason why we should let assault weapons back on the streets. It has also respected the rights of gun owners, protecting the hunters, law-abiding citizens buying the guns that they want. But again do we need assault weapons back on the streets? Only criminals have been kept from their gun of choice. This explains why 66 percent of American gun owners support renewing the ban. The American people support it by even more overwhelming margins.

Once again, our Nation's law enforcement officers are leading the fight to keep the ban in place. The gun industry continues to evade the ban with copycat weapons like these. These are the ones that were banned. These are the ones that are out there on the streets now. They still do the same deadly thing. They take down as many people as possible in the shortest amount of time. This also has to stop.

I came to Congress to reduce gun violence in this country. I fought for commonsense, effective gun measures. That is why I have introduced H.R. 2038, which would renew the ban but also close the loopholes so that these guns cannot be back out on the streets either. We cannot let special interests control this Congress. We have 168 days left to renew it.

Let me say one other thing. Gun violence in this country costs the health care system over \$1 billion a year, \$1 billion. That is not counting the pain and the suffering that goes to the communities and to the families, those that might never walk again, those that end up never being able to go back to work. And, by the way, the American people pay half of those costs because insurance runs out for those that did have insurance, but, because rehab is so long, they run out of insurance.

Why do we tolerate this? Why are the American people not fighting? Here in Congress many a vote or many a rule, many a measure is won or lost by one vote. The American people have to understand they have a voice in this House. This is the people's House.

I am asking the American people to get involved in this issue. Do they actually want assault weapons back on the street? I think there is enough fear in this country now with the war on terrorism. Do they honestly want possibly the terrorists that are in this country in cells to be able to go to a gun show and pick up an assault weapon? Remember, in D.C., we had two people with a Bushmaster that paralyzed this whole area, cost millions of dollars. By the way, the Bushmaster was supposed to be a banned gun. The deaths that came from that incident can be multiplied throughout our cities and throughout our country. Is that what the American people want?

Common sense. Assault weapons, we see them on TV every single night in the war in Iraq and Afghanistan, Israel. Is that what we want in this country? Open warfare between our police officers, drug dealers, gangs? Wake up, America. We need America's help in the House. They have the right to call their Senators and their congressmen. We can do this, but we only have 168 days left. Please get involved.

VACCINATIONS CONTAINING MERCURY

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I would like to say to my colleagues, if they have children or grandchildren, pay attention to what I am going to say because this is very important.

Recently, there was an article put out by AP that was in the Indianapolis Star which was on the front page that I read, and it said that women and children should eat less fish, and the reason they should eat less fish is because there is a high mercury content in the fish and it can cause neurological problems in the children and in the parents if they eat too much fish.

What the article did not say is that many of the vaccinations that adults get and many of the vaccinations that the children get have mercury in them. So we are not supposed to eat the fish, but it is all right for the pharmaceutical industry to put a preservative called thimerosal into a vaccination and then inject their children with it and then the children get the mercury directly from a needle and it goes into the brain and causes neurological problems.

This is not baloney. My grandson got nine shots in 1 day, seven of which contained thimerosal, mercury; and within about 2 or 3 or 4 days, he became autistic. These are pictures of children from across the country who were normal children who received a number of shots containing mercury, and they became autistic. Many of their parents have testified before my committee as to how their children were before they got the shots and how they were after they got the shots.

We have been raising Cain with the Food and Drug Administration to get mercury out of children's vaccines and we got it out of almost all of them. But it is still in three: the HIB vaccine, the Hepatitis B, and the flu vaccine. I want to get it out of all of them because no child should be subjected to having mercury injected into their body. If it is bad for them to eat fish with mercury in it, then it is sure a heck of a lot worse for them to get a shot from a needle, a vaccination that puts mercury into their bodies.

Children used to get one or two shots. When I was a kid, we did not get many shots. We were kept out of school if we had mumps or measles or any of those things, but now they give them shots for all that. A child, before he starts in the first grade, gets as many as 30 shots. Can the Members imagine 30 shots with mercury in them, the cumulative effect of that on the brains of these children?

For those who are concerned about it as adults, and I see some gray hairs in the room, the flu vaccine, the tetanus vaccine, almost all the vaccines that we get, and our troops get in the field, get as many as 11 in 1 day in the Persian Gulf, most of those contain thimerosal, which is 50 percent mercury.

We need to collectively, as a body, tell the Food and Drug Administration and our health agencies to get mercury

out of all vaccines. It is not necessary. If we go to single-shot vials, we do not need to have mercury in there as a preservative to make sure that they are not contaminated. All we have to do is use common sense.

The problem is it is going to cost just a few cents more per shot to make sure that it does not contain mercury. If we really care about the thousands of children who are becoming autistic and the people who are getting Alzheimer's, we need to get mercury out of the vaccines. There is an epidemic of Alzheimer's now. We used to have one out of 10,000 children who were autistic. Now it is one out of about 200.

Anybody who has a parent or grandchild ought to listen to what I am saying, because if their child gets numerous shots with mercury in them, they run the risk of being autistic. I have had hearings for 4 years now, and I am telling the Members that scientists from around the world agree with what I am telling them. Many countries in the world have taken mercury out of the vaccines. We need to do it here.

THE PRESIDENT'S ECONOMIC POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, this week the House is on the verge of passing a \$2.3 trillion budget with a \$521 billion deficit, showing that it is impossible to finance three wars with three tax cuts and expect a different result.

This budget repeats the same mistakes that have resulted in a jobless economy and a wage recession in America, the lowest wage growth in any period of time in a period of economic "growth." The Republican budget continues the status quo policies that have resulted in 2½ million Americans who have lost their jobs, 43 million Americans without health care, 4 more million Americans since the President took office, 2 more million Americans in poverty who walked out of the middle class into poverty, wages frozen, and \$1 trillion in corporate and individual bankruptcies. Three years, \$3 trillion dollars added to the Nation's debt, and 3 million Americans have lost their jobs. What a record.

During the 2000 presidential campaign, President Bush said he opposed nation-building. Who knew it was America he was talking about?

This budget, the President's economic policy, is really a tale of two budgets: one for America and one for Iraq. We have spent more than \$100 billion on Iraq's occupation without promising the same future here at home.

In Iraq they get universal health care and free job training, while in America 44 million Americans go without health care, 10 million children without health care, and 8.2 million Americans without jobs.

In the area of health care, 2,200 Iraqi health professionals and 8,000 volunteers are receiving free training. In America under this budget that the Republicans and the President put together, health training funds are cut by 64 percent.

One hundred and fifty clinics and hospitals have been rebuilt, serving 3 million Iraqis, providing 100 percent prenatal and infant coverage. In America, community health care clinics are cutting funding by 91 percent; Maternal and Child Health Care, Healthy Start, and family planning, all frozen.

In the area of jobs, \$60 million is being spent to retrain the Iraqi veterans. Yet we have cut the manufacturing job training program by 67 percent over 3 years.

In the area of education, we built 2,300 schools in Iraq and underfunded Leave No Child Behind in America by \$8 billion.

Iraqi universities are getting \$21 million for higher ed partnerships. In America, the Perkins loans are cut by \$99 million and Pell grants are frozen.

The police in Iraq, \$500 million for training. In America, the COPS program is cut by \$659 million.

In the area of housing, \$470 million is spent on Iraqi public housing, while in America \$791 billion is cut from Section 8 housing vouchers.

In the area of environment, we are paying for \$3.6 billion in water and sewers in Iraq; and in this budget, the Clean Water State Revolving Fund, which deals with drinking water here in America, is cut by \$500 million.

The port of Umm Qasar was completely rebuilt in Iraq. The Army Corps of Engineers cannot afford U.S. port security upgrades since their budget has been cut by 63 percent.

Roads, we have spent \$240 million on roads and bridges in Iraq, but mass transit, including highway funding, remains stalled under this administration.

As President Bush seeks reelection and we think about his pledge in 2000 to oppose nation-building, he has the dubious honor of saying he kept his pledge because he is opposed to nation-building here in America.

I am not opposed to what we are planning for Iraq. That is a good thing. But I oppose the notion that we will literally reconstruct Iraq while we deconstruct the United States.

In this budget this administration, this Congress, is telling the American people that they have two priorities, two sets of values, and two sets of books, one for Iraq and one for America. Compared to how Americans view their futures, we cannot deny Americans the same dreams of affordable housing, affordable health care, affordable education that we have promised Iraq and their children. America can no longer afford to be so generous if hope for a prosperous tomorrow and a better tomorrow is diminished here at home for the American people.

Mr. Speaker, the same values we hold for Iraq we must pledge for all Americans. So we cannot allow our economy

and our prospects, which this budget will lay out an economic vision, that still results in 2½ million Americans in the last 3 years who have lost their jobs, 43 million Americans without health care, nearly \$1 trillion worth of corporate and individual assets have been foreclosed on, and 2 more million Americans have walked out of the middle class into poverty. If we are going to do nation-building, we must do it here at home, not just overseas.

MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. PRYCE) is recognized for 5 minutes.

Ms. PRYCE of Ohio. Mr. Speaker, I come to the floor today to speak on behalf of Ohio's seniors and America's seniors.

Mr. Speaker, about 14 million low-income seniors, 438,000 of them in Ohio alone, will now be receiving their medications for a mere \$2 to \$5. They understand that this new law, the new law about Medicare reform and prescription drugs, is a step in the right direction. The countless baby boomers who devote portions of their monthly paycheck to help buy grandma and grandpa's medicine, they understand that this expansion of Medicare is important. They know that when they are able to devote a little less money to prescription medicines for their parents, they might be able to devote a little more of that money to their kids' college tuition.

□ 1945

The many older Americans who have experienced a tragic illness that requires a litany of medications, they understand the peace of mind that this law provides to the catastrophic coverage. Because of this law, the cost of their many, many medicines is kept at a minimum, instead of spiraling off into infinity.

The millions of seniors who live in rural areas across America and doctors who serve them, they understand the benefits of this new law, especially the increased financial assistance to rural providers.

The hundreds of patient organizations who endorsed and support this new law, groups like AARP, the American Medical Association and the Alzheimer's Association, they understand that the law represents a good first step in improving the lives of millions and millions of patients.

I could go on and on, showing the countless benefits of this new law. Instead, I will boil it down into the simplest of terms: while this plan may not provide the entire solution for every senior's particular medical and financial problem, it does provide some solutions to the substantial number of seniors who formerly were choosing between food and medicine, gasoline and medicine, heating fuel and medicine. Those choices were untenable.

The law is not 100 percent perfect, but it is 100 percent more than what seniors had before, which was nothing. Unfortunately, there are some who do not share the same mind set. Indeed, there are small group of obstructionists who seek to mislead seniors about this new law, instead of informing them about how to use it to their advantage. Their goal is to scare, instead of to educate; and their tactics aim to thwart instead of to improve. It is really sad.

A prime example is the left-leaning Families USA, who have taken their MediScare campaign across the country. In fact, they are scheduled to be in my home State of Ohio during the coming weeks.

To the seniors in my home State and to the seniors across the country who will be subject to the half-truths that Families USA and their allies will be pushing, I will say, beware of those who peddle fear and distrust. The flashy videos and the shiny brochures that these groups will provide will do nothing but tell you what is wrong with this new law. They will tear it down and trash the very thing that seniors have been pleading Congress to do for years, add prescription drug coverage to Medicare. They will not bat an eyelash nor turn the slightest shade of red while they claim there is absolutely nothing good about this new law.

Mr. Speaker, I have too much faith in Ohio's seniors. I know that they will not be used as pawns in the politicization of a new law of the land. I know that our seniors will take the time to learn more about this law, and they will like what they see. They will understand that Congress acted to improve the quality of their lives. This is a good first step. They will understand that groups who scare them about what a law does not do are not helpful nor productive, and that the people who instruct them about what a law does are actually trying to make a difference in their lives.

Mr. Speaker, I want to be to Ohio seniors one of those who helps them, helps them understand what this law does do for them. I want to be part of that productive group, that group that knows that progress comes in incremental steps and understands that obstructing and thwarting accomplishes nothing, that group that looks for solutions, not partisan points.

Passing a Medicare drug plan and getting it signed into law with President Bush's cooperation is finally a step forward for this Nation's seniors. Let us not ever step back.

ADDRESSING UNEMPLOYMENT IN AMERICA

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I want to talk for a moment about Vice

President CHENEY's trip to Dayton, Ohio. But before that, I just want to mention that the Medicare drug law that my friend from Ohio mentions just happened to be legislation written by the drug and the insurance industries. The drug industry will get \$140 billion additional profits under this law. The insurance industry gets a \$46 billion direct gift subsidy from taxpayers.

This bill was written for the drug industry, written for the insurance industry. In fact, the word in Washington is that President Bush will receive about \$100 million in contributions from the drug industry. I think that is probably all you need to know. And that is why seniors simply do not like this drug bill, do not like the new Medicare law; and that is why the Republican Party, the President, is spending upwards of \$80 million in taxpayer dollars to advertise to try to convince America's seniors that this is good legislation, that it is good law. It is clearly not.

As I said, Mr. Speaker, the Vice President came to Dayton, Ohio, last week to try to explain away what has happened to the Ohio economy. One out of six manufacturing jobs has disappeared since President Bush took office; 300,000 in Ohio have been lost. That is 2,000 jobs every single week of the Bush administration. That is 260 jobs have disappeared every single day in Ohio since George Bush took office.

In response to the bad economic news which cascades across my State, bad news almost every week on the economy, 600 people just laid off from a phone center in Trumbull County, near the district of the gentleman from Ohio (Mr. STRICKLAND) and the gentleman from Ohio (Mr. RYAN).

In response to the bad news, the President has got two solutions every time: more tax breaks for the most privileged in our society, with the hope that some of these benefits trickle down to the rest of the people in this country. That has not worked. And the second response, the second solution is more NAFTA-like trade agreements that continue to ship jobs overseas, that continue to hemorrhage jobs. We have lost hundreds of thousands of jobs in this country, manufacturing jobs, because of these trade agreements. They simply are not working.

The question always is, How out of touch can our government's leaders be? The answer to that is I do not know. Something seems to be new every day. The economic report of the President, which came out a couple or 3 or 4 weeks ago, signed by George Bush, signed by the President, the economic report of the President talks about outsourcing jobs, one of the biggest problems in our economy; and the President's Chief Economic Adviser, Gregory Mankiw, said outsourcing jobs is a good thing because it makes the economy more efficient.

Well, let him look in the eye of a computer operator, let him look in the

eye of a clerk who has lost her job, let him look in the eye of a steel worker who has lost his job and tell him that outsourcing is a good thing because it makes us more efficient.

Then in the same report, Mr. Mankiw, the President's top economic guru, the top economic adviser, said that we will this year create 200,000 jobs a month. Well, after he said that, even the President's people, including the President, said we did not really mean 200,000 a month, because the first month they fell 199,000 jobs short, and every month they have fallen way, way short of this job creation they promised.

Then the President's economic adviser said, you know, maybe in response to this, and this really shows how out of touch they can get, maybe in response to this we need to reclassify what manufacturing is. Perhaps, because a bottling company is a manufacturing job, you take the syrup in a Pepsi or Coke bottling plant with 200 or 300 employees, and you take the carbonated water and put them together, that is a manufacturing process.

Maybe, they suggest, the President's top economic people, that we should reclassify fast food, I am not making this up, this is in this report, the fast-food restaurants, maybe they should be considered manufacturing. Because you have the hamburger and you chemically treat it, you cook it; you take the cheese and you chemically treat it, you melt it; then you put the bread on, and you create these manufacturing jobs. Then you take the syrup and you push the button so the syrup and the carbonated water mix. This administration actually is thinking about reclassifying those service jobs as manufacturing jobs.

Now, I am not making fun of people working in fast-food restaurants. In fact, if the Bush administration is going to reclassify those as manufacturing jobs, let them pay more than \$7 an hour; and let them give these young men and women, or older men and women in these fast-food restaurants, decent wages and decent benefits, if they are going to call them manufacturing jobs.

Then the last point I wanted to make is in terms of how out of touch this government can get. One of the leading Republicans in this institution, the chairman of the Committee on Rules, recently was complaining that Democrats and others are saying that we have lost manufacturing jobs.

He said, the fact is that you Democrats, you critics, you media people, you economists, you workers who are complaining about lost jobs are simply not looking at the economy right.

Here is what he said. He said there are 430,000 Americans who make their full-time living selling on ebay. This is not reflected in the economy.

So are we going to count garage sales as economic growth? Are they going to pay them health benefits? Is that where my friends want to take the U.S. economy?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SOUDER) is recognized for 5 minutes.

(Mr. SOUDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

FREEDOM OF IRAQ AND AFGHANISTAN IMPORTANT IN WAR ON TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, late last October I traveled to Iraq with several other Members of Congress, and what I saw was a country in tatters, a country that had experienced little or no infrastructure investment in decades.

But I also saw a people who, despite torture, government-sponsored slaughter and oppression on the scale of Lenin, a people who, despite all this, retained a glimmer of hope. And I thought, is it not amazing? Thirty years of torture, and Saddam and his henchmen could not break the spirit of the Iraqi people. They still had that thirst for freedom and that thirst for opportunity.

Today, watch the news that comes from Iraq. Occasionally look past the newscaster, actually take a look at the hustle and bustle behind the newscaster. You will see marketplaces, traffic jams, people on their way to and from work. That is the free market at work.

President Bush is the focus of an enormous amount of partisan political criticism. There are those, mostly on the other side of the aisle, who believe that simply getting bin Laden would end terrorism. They think we were wrong to go to Iraq, that Saddam could be contained. In short, those opposed to our work in Iraq believe Saddam's regime had no role in terrorism and that our effort will not bear any positive results for America and the world.

What a shortsighted, small view of the world and a basic misunderstanding of terrorism. Terrorism will not be stopped by removing a leader or a command structure. Terrorism is not going to be that easy to tackle.

What is going to make a difference could be this: Iraq has an interim Constitution on schedule and they are moving toward freedom. Iraq's electricity levels are exceeding pre-war capacity. They passed that benchmark last fall. The international community has pledged \$32 billion to improve schools, health care, roads, water and sanitation. The nation now has a stable currency. A free press is growing. Iraqis have access to more diverse, independent sources of news. Hundreds of democratic meetings are taking place all across Iraq. America has captured 45 of the 55 most-wanted members of Hussein's regime. There are

900,000 telephone subscribers and 225,000 wireless subscribers. All of Iraq's 22 universities and 43 technical institutions and colleges are open. And, this may not sound important, but its value is immeasurable, the Iraqi children no longer have to recite "long live leader Saddam Hussein" each morning.

Some still believe all of this is irrelevant to the war on terrorism. Do you think terrorists are worried about what we are doing in Iraq and Afghanistan? Absolutely. Do you think terrorists fear this President? Do they fear America? You bet they do. The terrorists fear America. I do not mean that figuratively. Those who would destroy America, they literally fear this President and the resolve of the American people and our military, because we have not been afraid to take swift, decisive action.

President Bush said America would not tolerate al Qaeda, that we would not tolerate a Middle East that pumped out hatred and vitriol. Our engagements in Afghanistan and Iraq speak volumes to the terror network.

Does our work in Iraq make hostile nations think twice about supporting terrorism? Yes, indeed, it does. Will our effort to bring the Iraqi people into the modern world, into the free marketplace, the community of free nations, make a difference in the long struggle to destroy what breeds terrorism? Absolutely it will.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

RECORD NUMBER OF AMERICANS EXHAUSTING UNEMPLOYMENT BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Well, congratulations to the Bush administration. They have set yet another record. This complements their previous record of the largest job loss and the worst job record since Herbert Hoover was President of the United States in the 1920s. But their latest is notable also: 1.1 million jobless workers by the end of this month will have exhausted their regular unemployment benefits without receiving an extension or additional aid. If we go all the way back, we have been keeping data on extended unemployment since 1971, 33 years ago, there have never been so many people who have exhausted unemployment benefits without successfully finding work.

Now the Bush administration and the Republican leaders in Congress are refusing to extend unemployment benefits. Is that because we are in such a

deep economic hole? After all, their tax cuts have dug us into a \$650 billion deficit in the coming year, so maybe we just cannot afford unemployment benefits any more. No, actually there is \$17 billion in the Unemployment Trust Fund, money paid in by workers and their employers, sitting on deposit, or actually not, they borrowed the money and spent it on something else.

□ 2000

But at least there is a credit for \$17 billion; and, in fact, they are expecting that because of the taxes levied for unemployment benefits, that that fund will actually grow in the coming year, as 1.1 million people exhaust their benefits, do not find jobs, and cannot get an extension.

Now, the Republicans have a couple of arguments as to why they think this is a good thing. They think it is a good thing because the unemployment rate is low. Well, yes, actually, the way they keep the books, the unemployment rate is low. All of these workers, these 1.1 million who will have exhausted their benefits will no longer be considered to be in the workforce, and they will not be counted as unemployed. It is sort of a beautiful thing they have created here. If everybody in America lost their job today, a year from today, when they had all exhausted their unemployment benefits and no one had gotten a job back, if they had all been outsourced to India or somewhere else, we would have zero unemployment, according to the Bush administration, the way they keep the books. So that is a pretty phony argument, and you do not have to travel very far in America to find people who want work and cannot find it. Certainly in my State, that is not hard at all.

Then they say, now the Republicans have decided that unemployment benefits are welfare. Yes, that is true: an earned benefit for people who have lost their jobs through no fault of their own, most often through trade policies that exported their jobs or misplaced budget priorities on the part of this administration and tax policies and trickle down economics. Those people, they say, are just a bunch of welfare cheats, because they say that this would discourage people from going out and finding work if we extended unemployment benefits.

Mr. Speaker, that is the most outrageous thing. I mean, I guess a lot of these Republicans and the Bush administration do not know real people and they have not gone out and walked the streets and gone into the malls and talked to people who have lost their jobs through no fault of their own, cannot find work, and just wanted a little bit of help so that they can keep their household together, so they can make the bare minimum payments on their house, their utilities, and put food on their table for their kids. The Bush people think, well, that is welfare. It is an earned benefit. People paid these

taxes. There is money sitting in the unemployment trust fund. They should just give us a straight up-or-down vote.

Well, that is sort of the third thing here, is the Republican leadership does not want a straight up-or-down vote on this issue. Why? Because if we had a straight up-or-down vote in the United States House of Representatives and in the United States Senate on an extension of unemployment benefits, to spend some of the money out of the trust fund to help these 1.1 million people who cannot find jobs and their benefits are exhausted, it would pass overwhelmingly. So they will not allow us a vote. We managed to attach an amendment to an unrelated bill and finally did trigger a vote on that, and it was amusing to watch all of the Republicans line up on the other side of the aisle after they had been beat to heck by their leadership to change their votes one after another after another after another, because they did not want to be on the wrong side of the issue.

But then their leader got up at the end of the day and said, do not worry, that will never come out of conference. Why will that not come out of conference? Why will not the will of the people of the elected House of Representatives, who voted 227 to 179 in a tangential way of extending unemployment benefits, and who voted more overwhelmingly to up front extend those unemployment benefits, why will he not let that come out of conference? The money is in the trust fund, the suffering is real, people need some help. Let us have an up-or-down vote and extend unemployment benefits for all Americans.

ALAN BABIN, A TRUE TEXAS WAR HERO

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Texas (Mr. CARTER) is recognized for 5 minutes.

Mr. CARTER. Mr. Speaker, tonight I stand here to recognize one of Texas's finest soldiers and a true Texas hero. On March 31, 2003, Alan Babin of the First Battalion, 325th Airborne Infantry Regiment started his second day of war. On that day, the third platoon, a platoon that he had recently joined, was working to secure a bridge on the Euphrates River near Samawah when enemy fire intensified and a soldier took a shot in the head. Alan, who was a paratrooper medic, gave up cover and sprinted the 20 meters to aid the soldier. In that sprint, Alan took a shot in the belly. That single action has warranted Alan the title of war hero; a purple heart, a bronze star medal with V for valor. However, neither Alan's brave action nor the rewards that followed came at a small price.

Alan is a fourth generation military man. Both his mother and father served in the military. Now he is fighting a second battle, and it is a long

battle. He is fighting that battle from a hospital room.

Today he has undergone over 70 surgeries. He has battled severe infection, meningitis, and stroke. Alan lay on the battlefield for 3 hours in pain until he was evacuated to the USS *Comfort* where he received excellent medical treatment by the folks there and very loving people that took care of him; but in the process, he suffered a stroke, and this infection grew rampant in his entire abdominal cavity. Most people did not think Alan was going to make it. The doctors said, if you are people of faith, you need to begin to pray.

My colleagues need to understand Alan's family. His mother, Rosy, and his dad, Alan, and his sister Christy, they went to the task. Rosy started e-mailing her friends and relatives and neighbors in Round Rock, Texas, and in the rest of Texas; and this spread throughout the entire country until thousands of people began to pray for this young man and to send encouragement.

When we got Alan finally here at Walter Reed, he was still with an exposed abdominal cavity, which had to be washed every night to fight the infection, and this 23-year-old man was fighting that battle with his mother by his side, and she has vowed not to leave his side until he is well. His little sister came up here to visit him. His dad was here by his side. Now, these folks, along with the folks back in Round Rock, Texas, are helping Alan battle through this terrible tragedy.

Alan continues to persevere daily, and he is overcoming all of the odds and the doctors say, whatever you are doing, keep doing it. These obstacles are being overcome. Just the other day I ran into Rosy in church and she told me, Alan actually picked up his glasses and put them on his own nose. That shows his motor skills are coming back from the stroke. That little victory was a huge thing for his mother. They have closed his wounds; the infection is going away. He has come from months and months in bed to therapy sessions. In the doctors' eyes and in the generals' eyes, this young man has overcome the worst odds that anybody can overcome. Now, each day it is a blessing that he continues to recover.

His service and his sacrifice has not gone unnoticed. The folks back home, knowing that Alan would not be able to climb stairs, the folks in Round Rock, Texas, the builders and contractors went and built a room on their two-story house at ground level so that Alan will be able to negotiate to and from his bedroom when he gets to come home. The whole community is behind this family.

During his stay at Walter Reed Hospital, he was visited by many, many people, including President Bush, Vice President CHENEY, Secretary of State Colin Powell, Governor Arnold Schwarzenegger, Members of Congress, and numerous other military officials. I was there when he was awarded his

medals, and one could see what was important in this young man's heart, because every time they called him paratrooper, his eyes sparkled and one could tell that he knew that they were talking about something of which he was proud.

Today is almost the anniversary of that tremendous wound that Alan suffered. He is recovering, through the grace of God and some wonderful medical people across this country. He is now back at least in Texas undergoing therapy, recovering every day, only because he and his family are true heroes who support the effort of this country and are proud of the service of their son. Alan, along with his family, serves as an inspiration for his fellow soldiers, as well as his fellow Texans. We in Texas are very proud of Alan and we say, God bless America and God bless Alan for his sacrifice. Alan Babin is a Texas hero.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CONNECTING THE DOTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MEEKS) is recognized for 5 minutes.

Mr. MEEKS of New York. Mr. Speaker, I believe it was Abraham Lincoln who said, "You can fool some of the people all of the time and all of the people some of the time, but you can't fool all of the people all of the time." Until recently, the Bush administration has fooled some of the people all of the time and all of the people some of the time on Social Security, Medicare, tax cuts for the rich, economic recovery, the No Child Left Behind Act, nation-building, the war against terrorism, and, most especially, the war in Iraq. The President has been able to do this because most Americans simply do not believe that the President of the United States would distort and deceive on such basic issues as war and the well-being of children and the elderly.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the gentleman not to make personal references to the President.

Mr. MEEKS of New York. Mr. Speaker, during the 2 days of the hearings of the National Commission on Terrorist Attacks upon the United States, it was clear that the time for the fooling of the people may be running out. Of course, there are those Americans inside and outside of Congress who always question the veracity of the President's arguments for going to war. My hope is that the testimony at the hearings, along with a series of

widely publicized books and articles published in the last year or so, the latest being Richard Clarke's "Against All Enemies," will enable the broader public to connect the dots to the truth. I believe they will see that the dots of deception lead straight to the Oval Office.

This response of administration officials to Mr. Clarke's charge that the President has done a terrible job on the war against terrorism is typical: throw sand into the public's eyes. Bait and switch. In other words, attack a person's motives while refusing to address the substance of the critique. Hide the facts. Concoct data. Delay. Blame everything on Clinton. Do the opposite of what you say. Claim not to remember a conversation or a meeting. Insist on redacting critical portions of critical congressional reports. Accuse critics of being disgruntled employees. All to cover up arrogant, reckless, and disgraceful conduct of foreign and domestic policy.

We should commend those public servants who, in the aftermath of 9/11-PATRIOT Act hysteria, have put loyalty to country above loyalty to the President, risking their careers to shed light on the dark underside of George W. Bush's Presidency. This lengthening list includes the Minneapolis and Phoenix-based FBI agent who revealed that FBI field operatives tried to get higher-ups to pay attention to individuals on the counterterrorism watch list, including several who later crashed airplanes into the World Trade Center and the Pentagon, were in the United States taking flying lessons; the joint inquiry of the House and Senate Intelligence Committees that revealed serious lapses on the part of the senior administration and intelligence officials during the lead-up to 9/11; John Wilson, a former ambassador, who disputed the claim that Saddam Hussein had sought uranium fuel in Niger, Africa. Wilson rejected the tales of the President and Vice President, Defense Secretary, Secretary of State, and National Security Adviser were telling about Saddam's alleged nuclear weapons program and, as we now know, the White House retaliated by telling a journalist that Wilson's wife was a covert CIA operative.

In a book by Ron Suskind, former Treasury Department Paul O'Neill insists that from the very beginning, the administration and the President were fixated on invading Iraq. Mr. O'Neill, who told the President that a second round of tax cuts would damage the economy, and also reveals that Vice President CHENEY contended that Ronald Reagan had proved that deficits do not matter.

David Kay head of the CIA's Iraq Survey Group, congressional testimony that no weapons of mass destruction had been found, that no weapons of mass destruction were likely to ever be found, and that frankly, the administration and the intelligence community had it all wrong. And now, Rich-

ard Clarke, a senior counterterrorism official in the Reagan, Clinton, and both Bush administrations, who says immediately after 9/11, the President and other senior officials were focused more on finding a pretext for attacking Iraq than on finding Osama bin Laden and al Qaeda.

□ 2015

Clarke quotes Defense Secretary Rumsfeld as saying there were not any good targets to bomb in Afghanistan but plenty in Iraq. Mr. Clarke also contends that invading Iraq was a priority even before the President took office.

If what Clarke, Kay, O'Neill and others have said is true, then it is fair to not only say weapons of mass destruction was a hype but also that every new explanation the administration has given since it declared an end to major operations is part of a cover-up of a war of choice, not necessity.

This is the context in which the public can connect the dots of the administration's attempts to obstruct the joint congressional Permanent Select Committee on Intelligence investigation of 9/11 and its belated cooperation and then only under the threat of subpoena with the independent commission investigating intelligence.

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

(Ms. DELAURO addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

SENDING OUR TROOPS INTO BATTLE WITHOUT ADEQUATE PROTECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I probably will not take my 5 minutes, but I was standing here, sitting here listening to my colleague from Texas talk about the young man who had been wounded and was recovering. And I am reminded that there are some nearly now 600 soldiers who have lost their lives in Iraq and we do not know for sure but somewhere between 3,500 and 4,000 have been seriously injured.

I think it is a sad and a tragic fact that the President, Secretary Rumsfeld, this administration, sent our troops into battle without providing them with adequate protection. As a result, there are those who probably have lost their lives simply because they did not have body armor; and there are those who have lost their limbs simply because this administration has not taken care of the problem of unarmored Humvees in Iraq.

Many, many months ago I wrote Secretary Rumsfeld a letter after I had received a letter from a young soldier in

Baghdad, a young soldier who is a West Point graduate and a gung-ho Army guy. In his letter to me he said, "Congressman, I am so proud of the Army. We are doing everything that we can here to help these people." But later on in his letter he said, "My men are wondering why they do not have the protection of this interceptor vest, this high-tech vest that has the capacity because of its construction and the materials used to actually stop an AK-47 round."

I started exploring that problem, and what I found was that we sent soldiers in the initial assault into Iraq without this most basic protection.

Now these vests were used in Afghanistan, and we found out in the Afghanistan conflict that they were effective. It is thought that as many as 19 lives of our soldiers were saved during the Afghanistan conflict because they had this interceptor vest. And yet when we sent our soldiers into battle in Iraq many went into those fights without this body armor.

So I wrote Secretary Rumsfeld; and I got a letter back from Mr. Brownlee, his Chief of Staff, and in that letter I was told that we hoped that we would have all of our soldiers equipped with this body armor by November. That was November of 2003. The war in Iraq started in March.

Then a couple of weeks later I get a second letter from General Myers, the Chair of the Joint Chiefs of Staff. In his letter General Myers informed me that it probably would be December before our soldiers were fully equipped with this body armor. And I remind you that the war started in March.

I asked Mr. Rumsfeld how many soldiers perhaps had lost their lives on the battlefield who were not equipped with this body armor, and he indicated to me he could not answer that question because they do not collect that data.

Well, Secretary Rumsfeld said November. General Myers said December. Before we left this city for our holiday period, Christmas, the Pentagon held a briefing; and one of my staff members went to the briefing and the person holding the briefing said it was likely to be January before our soldiers were equipped with this vest. The war began in March. And, lo and behold, about 3 weeks ago I get a letter indicating that finally, finally, a year after the war began, this administration is willing to say that all of our troops have access to the body armor.

Now, Chris Matthews visited many of the troops at Walter Reed and he had that on his show this weekend. During that show, near the end of the show, he indicated that the body armor could protect the lives but not the limbs of our soldiers.

I end my remarks, Mr. Speaker, by pointing out that we have unarmored Humvees in Iraq tonight. The only company that produces these armored vehicles is in Ohio. They tell me that they can produce 500 a month, and the Pentagon is only asking for 220 a

month. How many soldiers will have their arms and legs destroyed because this administration is not providing them with the equipment that could keep them safe?

NATIONAL SECURITY ADVISOR SHOULD TESTIFY BEFORE 9/11 COMMISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker and Members of the House, I rise to review the debate that has been going on between the distinguished National Security Advisor of the President, Condoleezza Rice, and those who believe that she should be called back to testify under oath. The reason that has been put forward that this is not possible is that Ms. Rice claims that it is a matter of constitutional principle that the separation of powers prevents the President's close aides from testifying to Congress.

But, as many have noted, there have been senior aides that have testified before. As a matter of fact, they have held the same position that she holds. Mr. Sandy Berger has testified before Congress and Mr. Zbigniew Brzezinski has, in fact, testified before the Congress. So what we realize now is that there is no problem here. There is no separation of powers argument for her to present.

I happen to serve with the House Committee on the Judiciary, and I can recall when President Gerald Ford came before the committee to try to deal with a very extraordinary national issue in which he explained why he had granted some extraordinary relief or pardon to former President Nixon. It was a national issue. Well, in my view, I believe the death of more than 3,000 Americans is an extraordinarily important issue that should allow Ms. Rice to come before the 9/11 Commission.

But the traditions really do not mean anything and the separations of power argument fails completely because it turns out that Condoleezza Rice has for 4 hours or more already testified before the Commission on February 7. So there is no issue about separation of powers.

This would be the same as allowing a person to testify before the Committee on the Judiciary privately about conversations with their attorney, but then when they come before the Committee on the Judiciary they would certainly not be able to invoke the attorney-client privilege and refuse to testify on the same matters that they have at an earlier meeting.

So what we are concerned about is about whether we can separate from the American people the truth of what has been happening in our White House.

Now the concept of the separation of powers doctrine was conceived by

James Madison to prevent any branch of this three-branch system of government from encroaching on the powers of the other two branches. This preserves the dispersal of power so that it is not concentrated in one branch, and it also preserves the constitutional system of checks and balances. But our friend has already testified to the Commission earlier. So that now that she has already given private testimony she cannot be heard to come back and claim that she is prevented from doing that.

The only problem that this raises is whether she wants to testify under oath. And I think that this makes it very important that she listen to one of the members of the panel, former Secretary of the Navy Lehman, appointee of the President, who said that this is very bad political strategy for you to claim that you are prevented from coming before the committee to give formal testimony.

It is not going to work. I think that it is very important that we realize that. The Congressional Research Service has done for me an analysis of the Presidential advisor's testimony before congressional committees.

Now this is made more curious by the fact that more recently, after the statements made by Richard Clarke, that Ms. Rice asked the Commission to again come before it to respond to the allegations of Mr. Clarke.

Mr. Speaker, I will insert into the RECORD the Report for Congress by the Congressional Research Service.

CRS REPORT FOR CONGRESS—PRESIDENTIAL ADVISERS' TESTIMONY BEFORE CONGRESSIONAL COMMITTEES: A BRIEF OVERVIEW, APRIL 5, 2002

(By Harold C. Relyea, Specialist in American National Government, Government and Finance Division, and Jay R. Shampansky, Legislative Attorney, American Law Division)

SUMMARY

Since the beginning of the federal government, Presidents have called upon executive branch officials to provide them with advice regarding matters of policy and administration. While Cabinet members were among the first to play such a role, the creation of the Executive Office of the President (EOP) in 1939 and the various agencies located within that structure resulted in a large increase in the number and variety of presidential advisers. All senior staff members of the White House Office and the leaders of the various EOP agencies and instrumentalities could be said to serve as advisers to the President.

Occasionally, these executive branch officials playing a presidential advisory role have been called upon to testify before congressional committees and subcommittees. Sometimes, such invited appearances have been prompted by allegations of personal misconduct on the part of the official, but they have also included instances when accountability for policymaking and administrative or managerial actions have instigated the request for testimony. Because such appearances before congressional committees or subcommittees seemingly could result in demands for advice proffered to the President, or the disclosure—inadvertent or otherwise—of such advice, there has been resistance, from time to time, by the Chief Executive to allowing such testimony.

Congress has a constitutionally rooted right of access to the information it needs to perform its Article I legislative and oversight functions. Generally, a congressional committee with jurisdiction over the subject matter, which is conducting an authorized investigation for legislative or oversight purposes, has a right to information held by the executive branch in the absence of either a valid claim of constitutional privilege by the executive or a statutory provision whereby Congress has limited its constitutional right to information.

A congressional committee may request (informally, or by a letter from the committee chair, perhaps co-signed by the ranking Member) or demand (pursuant to subpoena) the testimony of a presidential adviser. However, Congress may encounter legal and political problems in attempting to enforce a subpoena to a presidential adviser. Conflicts concerning congressional requests or demands for executive branch testimony or documents often involve extensive negotiations and may be resolved by some form of compromise as to, *inter alia*, the scope of the testimony or information to be provided to Congress.

Since the beginning of the federal government, Presidents have called upon executive branch officials to provide them with advice regarding matters of policy and administration. The Constitution recognized such relationships when it authorized the President, in Article II, section 2, to "require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices." There were, as well, reasons to expect that such advice, whether offered orally or in writing, would be held in confidence. The advice was for the President's consideration and his decisionmaking. The matters involved were sensitive, perhaps bearing upon the foreign, military, economic, or law enforcement policy of the nation. Also, the provision, discussion, and use of such advice by the executive branch could affect its relationships with the other co-equal constitutional branches. President George Washington and his Cabinet had these considerations in mind, as Secretary of State Thomas Jefferson's notes on their deliberations reflect, when they decided upon a response to a 1792 congressional request for information:

"We had all considered, and were of one mind, first, that the House was an inquest, and therefore might institute inquiries. Second that it might call for papers generally. Third, that the Executive ought to communicate such papers as the public good would permit, and ought to refuse those, the disclosure of which would injure the public; consequently were to exercise a discretion. Fourth, that neither the committee nor House had a right to call on the Head of a Department, who and whose papers were under the President alone; but that the committee should instruct their chairman to move the House to address the President."

The Cabinet, composed of the principal officers in each of the executive departments, failed, for several reasons, to develop as an important source of presidential advice. The department heads constituting the Cabinet were often chosen to satisfy interests that contributed significantly to the President's election. Considerations of partisanship, ideology, geography, public image and stature, and aptitude, among others, figured prominently in their selection. Sometimes the President was not personally well acquainted with these individuals and had only minimal confidence and trust in them. In a few cases, a political rival was included in the Cabinet.

It is also very likely that some activist Presidents were ill suited to the group deliberation of the Cabinet. Similarly, many Cabinet members might have felt unqualified, or were unwilling, to offer counsel to the President on matters outside of their immediate portfolios; their advice was perhaps limited to, and protective of, departmental interests. Finally, personal hostilities between or among department heads could result in such tumult within the Cabinet that little useful advice could be gained.

Consequently, Presidents generally looked to other quarters for advisers. One development in this regard was the creation of circles of advisers composed of both public officials and private citizens. President Andrew Jackson, whose election and White House tenure occurred in an era marked by violent political controversy and party instability, utilized an informal group of advisers which came to be known as the Kitchen Cabinet. The members represented "rising social groups as yet denied the prestige to which they felt their power and energies entitled them"—newspapermen, the President's private secretary, campaign organizers and officials from prior administrations, and long-time personal friends.

When John Tyler succeeded to the presidency upon the death of William Henry Harrison, he revived Jackson's practice. Deserted by Whigs and Democrats alike, Tyler resorted to a select circle of advisers composed of personal and political friends from his native Virginia—a college president, a state supreme court judge, four members of the state's delegation in the House of Representatives, and a Senator. Following this practice, several succeeding Presidents had informal groups of advisers that were given colorful names by the press. For example, for Grover Cleveland, it was a Fishing Cabinet; for Theodore Roosevelt, a Tennis Cabinet; for Warren G. Harding, a Poker Cabinet; and for Herbert Hoover, a Medicine Ball Cabinet.

Jackson's inclusion of his personal secretary in his Kitchen Cabinet reflects another line of development regarding presidential advisers. Beginning with Washington, Presidents sought to meet the demands of their office with the assistance of a single personal secretary, usually a relative, compensated from their own private resources. In 1833, Congress authorized the President to appoint, with the advice and consent of the Senate, a secretary "whose duty it shall be, under the direction of the President, to sign in his name and for him, all patents for lands sold or granted under the authority of the United States." Jackson named Andrew Jackson Donelson, his wife's nephew and current personal secretary, to this position, relieving himself of continued personal compensation of the young man. Ultimately, Congress appropriated funds to the Chief Executive in 1857 for an official household—a personal secretary, a steward to supervise the Executive Mansion, and a messenger.

Many years later, in 1929, Congress was persuaded to authorize an increase in the President's top personnel, adding two more secretaries and an administrative assistant. Appointed to these senior staff positions were presidential lieutenants, if not presidential intimates and advisers. When Franklin D. Roosevelt came to the presidency in 1933, he brought with him, from his New York gubernatorial experience, a new kind of advisory circle, composed of intellectuals, or at least a core group of Columbia University professors who were joined by other ideas people to form the "Brains Trust." Because there were an insufficient number of staff positions at the White House to accommodate them, these advisers were placed elsewhere in the executive branch, but, for the most part, directly served the President.

This staffing situation, coordination problems, and the development of a new administrative management concept prompted Roosevelt to create, by announcement, a study panel—the President's Committee on Administrative Management, under the leadership of Louis Brownlow, a prominent public administration practitioner—in 1936 to examine and make recommendations regarding these matters. Reporting some 10 months later, the Brownlow committee addressed presidential staffing in dramatic and detailed terms:

"The President needs help. His immediate staff assistance is entirely inadequate. He should be given a small number of executive assistants who would be his direct aides in dealing with the managerial agencies and administrative departments of the government. These assistants, probably not exceeding six in number, would be in addition to the present secretaries, who deal with the public, with the Congress, and with the press and radio. These aides would have no power to make decisions or issue instructions in their own right. They would not be interposed between the President and the heads of his departments. They would not be assistant presidents in any sense. Their function would be, when any matter was presented to the President for action affecting any part of the administrative work of the Government, to assist him in obtaining quickly and without delay all pertinent information possessed by any of the executive departments so as to guide him in making his responsible decisions; and then when decisions have been made, to assist him in seeing to it that every administrative department and agency affected is promptly informed. Their effectiveness in assisting the President will, we think, be directly proportional to their ability to discharge their functions with restraint. They would remain in the background, issue no orders, make no decisions, emit no public statements. Men for these positions should be carefully chosen by the President from within and without the Government. They should be men in whom the President has personal confidence and whose character and attitude is [sic] such that they would not attempt to exercise power on their own account. They should be possessed of high competence, great physical vigor, and a passion for anonymity. They should be installed in the White House itself, directly accessible to the President. In the selection of these aides, the President should be free to call on departments from time to time for the assignment of persons who, after a tour of duty as his aides, might be restored to their old positions."

In addition to the proposed addition of six assistants to the President's staff, the committee's report also recommended vesting responsibility in the President for the continuous reorganization of the executive branch. Released to Congress on January 12, 1937, the report soon became lost in high politics. Three weeks after submitting the Brownlow committee's report to Congress, Roosevelt announced he wanted to enlarge the membership of the Supreme Court. His "court packing" plan not only fed congressional fears of a presidential power grab, but also so preoccupied Congress that the Brownlow committee's recommendations were ignored.

EXECUTIVE OFFICE OF THE PRESIDENT

Although efforts at gaining legislative approval of the Brownlow committee's recommendations lay in ruin in the spring of 1938, the President had not deserted the cause. By July, Roosevelt was meeting with Brownlow and the other committee members. The panel would not be officially reassembled, but he wanted each man's help with

a reorganization authority proposal. The resulting measure empowered the President to propose reorganization plans, subject to a veto by a majority vote of disapproval in both houses of Congress, and to also appoint six administrative assistants.

After three days of discussion and debate, the House adopted the bill on March 8, 1939. Twelve days later, the Senate began considering the proposal. Following two days of sparring over amendments, the Senate adopted the bill. A quick conference cleared the measure for Roosevelt's signature on April 3. Earlier, the President had asked the Brownlow committee members to assist with the preparation of his initial reorganization plans.

Following consultations with Budget Bureau Director Harold D. Smith, the Brownlow group presented two reorganization proposals to Roosevelt on April 23. Plan 1, submitted to Congress on April 25, transferred certain agencies to the Executive Office of the President, but offered no explanation of that entity. In Plan 2, a presidential emergency council was abolished and most of its functions were transferred to the Executive Office. While both plans were acceptable to legislators, their effective dates were troublesome in terms of accommodating fiscal calendar necessities. By joint resolution, Congress provided that both plans would be effective on July 1, 1939. Following this action, the President, on September 8, issued E.O. 8248, formally organizing the Executive Office and, thereby, defining it in terms of its components. Brownlow, who drafted the initial reorganization plan, viewed the Executive Office as the institutional realization of administrative management and "the effective coordination of the tremendously wide-spread federal machinery." He called the initial version "a little thing" compared to its later size. It grew under Roosevelt and "it continued to expand and was further regularized by statute, by appropriation acts, and by more reorganization plans" during the succeeding years.

The Executive Office organized by E.O. 8248 consisted of the White House Office, the Bureau of the Budget, the National Resources Planning Board, the Office of Government Reports, and the Liaison Office for Personnel Management. It also provided that, "in the event of a national emergency," there could be established "such office for emergency management as the President shall determine." The Office for Emergency Management was created by an administrative order on May 25, 1940, and its functions were further specified in an administrative order of January 7, 1941. It subsequently served as a parent unit for a number of subordinate emergency management bodies.

PRESIDENTIAL ADVISER GROWTH

The creation of the Executive Office of the President contributed to an increase in the number of presidential advisers for several reasons. First, it provided an enclave for various agencies that immediately assisted the President. Primary among these was the White House Office, which was no longer merely the President's small office staff, but an agency with hierarchically organized staff positions whose personnel rapidly expanded during the next few decades.

Second, it counted agencies, such as the Liaison Office for Personnel Management and the Office for Emergency Management, that were headed by an administrative assistant—and adviser—to the President on the White House Office payroll. It also included agencies, such as the Bureau of the Budget (and its Office of Management and Budget successor), that were headed by leaders for whom advising the President was a primary responsibility.

Third, senior White House Office staff would come to supervise and direct the staff of other Executive Office entities: the Assistant to the President for National Security Affairs would direct the National Security Council staff and the Assistant to the President for Domestic Policy would direct the Domestic Council staff.

Fourth, in January 1973, President Richard M. Nixon vested his Secretary of the Treasury and his director of the Office of Management and Budget with dual White House Office positions, respectively, of Assistant to the President for Economic Affairs and Assistant to the President for Executive Management. He also vested his Secretary of Agriculture, Secretary of Health, Education, and Welfare, and Secretary of Housing and Urban Development with dual White House Office positions, respectively, of Counselor to the President for Natural Resources, Counselor to the President for Human Resources, and Counselor to the President for Community Development. Having such dual White House Office titles was viewed as giving added emphasis, if not authority, to the role of these officials as presidential advisers.

In the aftermath of World War II, Congress statutorily chartered most of the agencies within the Executive Office of the President. Furthermore, Congress routinely appropriated funds for the operating expenses of these entities. In 1944, Congress had adopted an amendment to an appropriation bill that was designed to restrain the creation of Executive Office agencies by executive order—a frequent occurrence during 1941-1944. The amendment stated:

"After January 1, 1945, no part of any appropriation or fund made available by this or any other Act shall be allotted or made available to, or used to pay the expenses of, any agency or instrumentality including those established by Executive order after such agency or instrumentality has been in existence for more than one year, if the Congress has not appropriated any money specifically for such agency or instrumentality or specifically authorized the expenditure of funds by it."

In 1982, when Title 31 of the United States Code was recodified, the amendment was repealed and replaced with new language at section 1347. The opening sentence of the new section, which remains as operative law, states: "An agency in existence for more than one year may not use amounts otherwise available for obligation to pay its expenses without a specific appropriation or specific authorization by law."

With their growing number and influence, senior staff members of the White House Office and certain other Executive Office agencies began to become of interest to congressional committees when accountability for policymaking and administrative or managerial actions prompted requests for their testimony. Some, like War Production Board chairman Donald M. Nelson, who was popularly known as the "arms czar," appeared before and cooperated with the Senate Special Committee to Investigate the National Defense Program ("Truman Committee") during World War II to report on and discuss war material production and related coordination matters. Others, like Office of War Mobilization director James F. Byrnes, who was sometimes referred to as the "assistant president," apparently avoided appearing before congressional committees during the World War II era, but were in communication with various individual Members of Congress in leadership positions and served as liaisons between the President and Congress on a number of war matters.

PRESIDENTIAL ADVISER TESTIMONY

Beginning with the closing years of World War II, examples are provided below of in-

stances when a presidential adviser—a civilian executive branch official, other than a member of the traditional Cabinet, who, as part of that official's responsibilities and activities, consulted with the President—testified before a congressional committee or subcommittee. Because these consultations with the President by such an official may be considered by the President to be privileged and constitutionally protectable, examples are also provided of instances when invited congressional committee or subcommittee testimony by a presidential adviser was refused. None of the examples involves testimony or refusal to testify by a former presidential adviser:

Jonathan Daniels, Administrative Assistant to the President, White House Office, appeared before the Senate Committee on Agriculture and Forestry on February 28 and March 7 and 8, 1944, to discuss his involvement in the personnel policy of the Rural Electrification Administration.

Wallace H. Graham, Physician to the President, White House Office, appeared before the Senate Committee on Appropriations on January 13, 1948, to discuss information to which he might have been privy with regard to the commodity market.

Harry H. Vaughn, Military Aide to the President, White House Office, appeared before the Senate Committee on Expenditures in Executive Departments (now Governmental Affairs) on August 30 and 31, 1949, to discuss his personal involvement in certain government procurement contracts.

Donald S. Dawson, Administrative Assistant to the President, White House Office, appeared before the Senate Committee on Banking and Currency on May 10 and 11, 1951, to discuss allegations he had attempted to "dominate" the Reconstruction Finance Corporation and influence appointments to that body.

Sherman Adams, Assistant to the President, White House Office, appeared before the House Committee on Interstate and Foreign Commerce Committee on June 17, 1958, to discuss his involvement with certain lobbyists.

Edward E. David, Jr., Science Adviser to the President, White House Office, and director, Office of Science and Technology, appeared before the Senate Committee on Interior and Insular Affairs on June 15, 1971, to discuss the Nixon Administration's position on energy policy matters; he appeared again before the House Committee on Science and Astronautics on June 14, 1972, to discuss science policy matters relating to Soviet-American cooperation agreements.

Virginia H. Knauer, Special Assistant to the President for Consumer Affairs, White House Office, and director, Office of Consumer Affairs, appeared before the House Select Committee on Small Business on June 25, 1971, to discuss consumer protection and advertising standards.

Jerome H. Jaffe, Special Consultant to the President, White House Office, and director, Special Action Office for Drug Abuse Prevention, appeared before the House Committee on Interstate and Foreign Commerce on June 28, August 2, October 27, and November 8, 1971, to discuss various aspects of the operations of the Special Action Office.

Peter Flanigan, Assistant to the President, White House Office, appeared before the Senate Committee on the Judiciary on April 20, 1972, during the course of hearings on the confirmation of Richard Kleindienst as Attorney General to discuss his involvement in apparent lobbying activities by the International Telephone and Telegraph Company.

Bruce A. Kehrli, Special Assistant to the President, White House Office, appeared before the Senate Select Committee on Presidential Campaign Activities on May 17, 1973,

to discuss matters related to the Watergate incident.

Patrick J. Buchanan, Special Consultant to the President, White House Office, appeared before the Senate Select Committee on Presidential Campaign Activities on September 26, 1973, to discuss matters related to the Watergate incident.

Richard M. Harden, Special Assistant to the President, White House Office, appeared before the Senate Appropriations Subcommittee on Treasury, Postal Service, and General Government on March 9, 1977, to discuss funds for the White House Office; he appeared again before the House Appropriations Subcommittee on Treasury, Postal Service, and General Government on March 15, 1977, to discuss these same matters.

Rose Mary Woods, Personal Secretary to the President, White House Office, appeared before the Senate Select Committee on Presidential Campaign Activities on March 22, 1974, to discuss matters related to the Watergate incident.

J. Frederick Buzhardt, Special Counsel to the President, White House Office, appeared before the Senate Select Committee on Presidential Campaign Activities on April 10 and May 7, 1974, to discuss matters related to the Watergate incident.

Alexander M. Haig, Jr., Staff Coordinator to the President, White House Office, appeared before the Senate Select Committee on Presidential Campaign Activities on May 2, and 15, 1974, to discuss matters related to the Watergate incident.

Leonard Garment, Assistant to the President, White House Office, appeared before the Senate Select Committee on Presidential Campaign Activities on May 17, 1974, to discuss matters related to the Watergate incident.

Lloyd Cutler, Counsel to the President, White House Office, appeared before the Senate Judiciary Subcommittee to Investigate the Activities of Individuals Representing the Interests of Foreign Governments on September 10, 1980, to discuss efforts by the President's brother, Billy Carter, to influence the federal government on behalf of the government of Libya.

Zbigniew Brzezinski, Assistant to the President for National Security Affairs, White House Office, appeared before the Senate Judiciary Subcommittee to Investigate the Activities of Individuals Representing the Interests of Foreign Governments on September 17, 1980, to discuss efforts by the President's brother, Billy Carter, to influence the federal government on behalf of the government of Libya.

Samuel Berger, Deputy Assistant to the President for National Security Affairs, White House Office, appeared before the Senate Committee on Foreign Relations on May 3, 1994, to provide a briefing on United States policy toward Haiti.

Samuel Berger, Assistant to the President for National Security Affairs, White House Office, appeared before the Senate Committee on Governmental Affairs on September 11, 1997, concerning campaign fundraising practices in connection with the 1996 federal election campaign.

PRESIDENTIAL ADVISER TESTIMONY REFUSED

Beginning with the years immediately after the conclusion of World War II, examples are provided below of instances when invited congressional committee or subcommittee testimony by a presidential adviser was refused:

John R. Steelman, Assistant to the President, White House Office, declined in March 1948 to appear before a special subcommittee of the House Committee on Education and Labor.

Herbert G. Klein, Director of White House Communications, White House Office, de-

clined on September 21, 1971, to appear before the Senate Judiciary Subcommittee on Constitutional Rights.

Frederick V. Malek, Special Assistant to the President, White House Office, and Charles W. Colson, Special Counsel to the President, White House Office, declined in December 1971 to appear before the Senate Judiciary Subcommittee on Constitutional Rights.

Henry A. Kissinger, Assistant to the President for National Security Affairs, declined on February 28, 1972, to appear before the Senate Committee on Foreign Relations.

David Young, Special Assistant to the National Security Council, declined on April 29, 1972, to appear before the House Government Operations Subcommittee on Foreign Operations and Government Information.

WHY PRESIDENTIAL ADVISERS DO NOT REGULARLY TESTIFY BEFORE COMMITTEES

"Although White House aides do not testify before congressional committees on a regular basis," it has been observed, "under certain conditions they do. First, intense and escalating political embarrassment may convince the White House that it is in the interest of the President to have these aides testify and ventilate the issue fully. Second, initial White House resistance may give way in the face of concerted congressional and public pressure."

Given the comity between the executive and legislative branches, Congress often elects not to request the appearance of presidential aides. When Congress has requested the appearance of such aides, Presidents and their aides have at times resisted, asserting the separation of powers doctrine and/or executive privilege. These two grounds for declining to comply with congressional requests for the appearance of presidential aides overlap, and it is sometimes difficult to determine which argument is being raised.

President Richard M. Nixon contended: "Under the doctrine of separation of powers, the manner in which the President personally exercises his assigned executive powers is not subject to questioning by another branch of Government. If the President is not subject to such questioning, it is equally appropriate that members of his staff not be so questioned, for their roles are in effect an extension of the Presidency."

The separation of powers doctrine was also cited in guidelines for White House staff issued during the Carter Administration as the basis for the "immunity" of the staff from appearing before committees. The guidelines "articulated the traditional arguments against compulsory testimony to Congress by White House advisers (i.e., need for 'frank and candid discussions,' personal advisers are agents of the President)."

Executive privilege was invoked during the Nixon Administration when congressional committees sought the testimony of a White House aide at a Senate confirmation hearing and the testimony of the White House Counsel at Senate committee hearings on the Watergate incident and related matters.

CONGRESS'S RIGHT TO EXECUTIVE BRANCH INFORMATION

Congress has a constitutionally rooted right of access to the information it needs to perform its Article I legislative and oversight functions. Generally, a congressional committee with jurisdiction over the subject matter, which is conducting an authorized investigation for legislative or oversight purposes, has a right to information held by the executive branch in the absence of either a valid claim of constitutional privilege by the executive or a statutory provision where Congress has limited its constitutional right to information.

Efforts by congressional committees to obtain information from the executive branch

are sometimes met with assertions of executive privilege. No decision of the Supreme Court resolves the question of whether there are any circumstances in which the executive branch can refuse to provide information sought by Congress on the basis of executive privilege, but the caselaw offers some guidance for committees when the privilege is asserted. In upholding a judicial subpoena in *United States v. Nixon*, the Supreme Court found a constitutional basis for the doctrine of executive privilege, rejected the President's contention that the privilege was absolute, and balanced the President's need for confidentiality and the judiciary's need for the materials in a criminal proceeding.

A distinction has been recognized by the courts between two aspects of executive privilege—the presidential communications privilege and the deliberative process privilege. The former has a constitutional basis in the separation of powers doctrine, relates to "direct decisionmaking by the President," and concerns "quintessential and non-delegable powers," whereas the latter "is primarily a common law privilege" applicable "to decisionmaking of executive officials generally." The former applies to entire documents (including factual material) and "covers final and post-decisional materials as well as pre-deliberative ones." The latter covers predecisional and deliberative materials, not "purely factual [material], unless the material is so inextricably intertwined with the deliberative sections of documents that its disclosure would inevitably reveal the government's deliberations." Both privileges are qualified. When either privilege is asserted, the court will balance the public interests involved and assess the need of the party seeking the privileged information.

The range of executive branch officials who may appropriately assert executive privilege before congressional committees, and the circumstances under which they may do so, remains unresolved by the courts, and is a matter that may be determined by case-by-case accommodation between the political branches. Some guidance in this regard was offered by Chief Justice William Rehnquist, when he was Assistant Attorney General in the Nixon Administration. Rehnquist distinguished between "those few executive branch witnesses whose sole responsibility is that of advising the President," who "should not be required to appear [before Congress] at all, since all of their official responsibilities would be subject to a claim of privilege," and "the executive branch witness . . . whose responsibilities include the administration of departments or agencies established by Congress, and from whom Congress may quite properly require extensive testimony," subject to "appropriate" claims of privilege.

Following a review of Rehnquist's statement, precedents and practice concerning congressional access to executive branch information (particularly, the testimony of presidential advisers), and constitutional issues, it is possible to suggest some key legal factors that together may determine whether a congressional request for the testimony of one who advises the President will be honored. (1) In the view of the executive, the few individuals whose sole duty is to advise the President should never be required to testify because all of their duties are protected by executive privilege. (2) The executive has conceded that an official who has operational functions in a department or agency established by law may be required to testify, although at times such an official may invoke executive privilege. (3) Congress may increase its leverage if the position of the potential witness is subject to Senate confirmation.

PROCEDURE FOR OBTAINING EXECUTIVE BRANCH TESTIMONY

A congressional committee may request (informally, or by a letter from the committee chair, perhaps co-signed by the ranking Member) or demand (pursuant to subpoena) the testimony of a presidential adviser. However, Congress may encounter legal and political problems in attempting to enforce a subpoena to a presidential adviser.

Conflicts concerning congressional requests or demands for executive branch testimony or documents often involve extensive negotiations, and may be resolved by some form of compromise as to, *inter alia*, the scope of the testimony or information to be provided to Congress. If the executive branch fails to comply with a committee subpoena, and if negotiations do not resolve the matter, the committee may employ Congress's inherent contempt authority (involving a trial at the bar of the Senate or House) or statutory criminal contempt authority in an effort to obtain the needed information. Both of these procedures are somewhat cumbersome, and their use may not result in the production of the information that is sought.

When faced with a refusal by the executive branch to comply with a demand for information, Congress has several alternatives to inherent and statutory contempt, although these alternatives are not without their own limitations. One approach is to seek declaratory or other relief in the courts. Previous attempts to seek judicial resolution of inter-branch conflicts over information access issues have encountered procedural obstacles and have demonstrated the reluctance of the courts to resolve sensitive separation of powers issues. Other approaches may include, *inter alia*, appropriations riders, impeachment, and a delay in the confirmation of presidential appointees.

In addition to the options generally available in the event of a refusal by the executive to provide information sought by Congress, when a presidential adviser who is not serving in a department or agency declines to testify before a committee, Congress might wish to establish the entity in which he serves by law, and subject the head of the entity to Senate confirmation.

CONCLUSION

(1) Legal and policy factors may explain why presidential advisers do not regularly testify before committees. (2) Generally, a congressional committee with jurisdiction over the subject matter, which is conducting an authorized investigation for legislative or oversight purposes, has a right to information held by the executive branch in the absence of either a valid claim of constitutional privilege by the executive or a statutory provision whereby Congress has limited its constitutional right to information. (3) A committee may request or demand the testimony of a presidential adviser. Legal mechanisms available for enforcing congressional subpoenas to the executive branch may fail to provide the committee with the desired information. (4) Negotiations may result in the production of at least some of the information sought.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would once again remind all Members, even though other debate may have intervened, to refrain from personal references to the President.

THE COST OF PRESCRIPTION DRUGS IN THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend and include extraneous material on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. GUTKNECHT. Mr. Speaker, I rise and I hope to be joined by some of my colleagues tonight to talk about an issue that I have been coming down to the floor of this House for more than 5 years to talk about.

□ 2030

That is the price that Americans pay for prescription drugs relative to the rest of the industrialized world, and I have often said that we as Americans are blessed and we should be prepared and willing to subsidize people in developing parts of the world, like sub-Saharan Africa. I do not believe, however, that we should be required to subsidize the starving Swiss, the Germans, the French and other industrialized powers.

In the last 5 years, I remember when we first started doing these Special Orders, and I would come down here, and it was basically just me and my charts and the chorus has been growing around the country and we have been joined by Republicans, by Democrats, by Independents and others.

Another point I always try to make is that this is not an issue of right versus left. It is not conservatives versus liberals. As I say, it is not right versus left. It is right versus wrong, and the issue really is that Americans are being held captive here in the United States; and the net result, very predictable result, is that whenever you have a captive market, particularly for a life-saving product like prescription drugs, it is inevitable that we, the world's best customers, would wind up paying the world's highest price.

I know there are some who believe that the answer is for the United States to have some kind of price controls. I am not one that shares that view.

About 4 years ago or 5 years ago now I guess, and one of the reasons I became very involved in this issue was something that happened that was totally unrelated to the price of prescription drugs. The price of live hogs in the United States dropped from about \$37 per hundred weight to about \$7, and these were the lowest prices for our hog farmers in 50 years. Many of my pork producers started calling me say-

ing, Congressman, can you not do something about these incredibly low prices for these pigs? I said I do not know what I can do, and they said, well, could you at least stop all these Canadian hogs from coming across our borders, making our supply demand situation worse?

So, as their Congressman, I called the Secretary of Commerce, I called the Secretary of Agriculture, explained the situation that thousands of Canadian hogs were coming into our markets making the price of pigs in the United States even lower and can we not do something to at least stop all of these pigs from coming into American markets. The answer I got from both the Secretary of Agriculture and the Secretary of Commerce was essentially the same answer. They said that is called NAFTA. It is called free trade, and all of the sudden a light bulb went on over my head, and I said is it not ironic that we have open markets when it comes to pork bellies, not when it comes to Prilosec.

Literally, at that point, I moved from what Winston Churchill said the difference between a fan and a fanatic is, that a fanatic cannot change their mind and will not change the subject. I have become almost a fanatic on the issue of opening up markets to allow Americans to have world-class access to world-class drugs at world market prices.

I am joined by my friend from Illinois, and I would be happy to yield him some time; but I have a couple of charts.

Mr. EMANUEL. Mr. Speaker, if the gentleman would yield, why do you not do the charts because I think it is always the most informative for our audience.

Mr. GUTKNECHT. Let me talk a little bit about this particular chart. A year ago right now I was in Munich, Germany, with one of my staffers. We were on our way home and stopped at the Munich airport pharmacy. As a matter of fact, the name of the pharmacy, if you want to check it out, is the Metropolitan Pharmacy at the Munich airport. Those of us that travel a lot know if you want to get a bargain, the last place you go to get that bargain is to buy at the airport, but we were on our way out of town. We bought then some of the most commonly prescribed drugs here in the United States, and these are the prices that we paid in April of 2003 in Munich, Germany.

When we returned, we went and asked here in Washington, D.C., what the price for those same drugs in the same dosages with the same number of tablets would be here in the United States, and let me show you some of the examples.

Coumadin is a drug that my father takes. Here in the United States, 100 tablets in the United States, about \$92.66. In Germany, the price was \$28.44.

Glucophage, a very effective drug, been around for a long time for diabetes. Over in Germany, 30 tablets, 850

milligrams, back in April, \$15.50 American. Here in the United States, \$45, three times more expensive?

Pravachol, I do not know much about that particular drug, but a commonly prescribed drug, \$91 in Germany; \$159 here in the United States, and the list goes on.

One of them we have talked a lot about, and these numbers have changed in part because of the change in the value of the dollar, but Tamoxifen, those numbers now have changed, and I see we have the updated price on the Tamoxifen as of today. Tamoxifen has come down a lot in the United States, but it is still more than twice as expensive in the United States as it is in Germany. Part of the reason the price has come down in the U.S. is because there is now a new drug that is taking the place of Tamoxifen.

Zestril, \$39 in Germany; \$75 in the United States. Zokor, \$48 in Germany; \$82 here, and I think is representative and we talk a lot about Canada, but what you will find is generally prices for prescription drugs in places like Germany are even cheaper, and hopefully we will talk about that as well because of parallel trading. And I would be happy to yield to my friend from Illinois.

Mr. EMANUEL. Mr. Speaker, I thank my colleague from Minnesota.

As that chart shows, basically the difference between the United States price for the same drugs, same name-brand products from Germany to Canada to England is in the United States our seniors and our citizens have to pay somewhere between 40 to 60 percent more for the same drugs they would get at their pharmacy than their G-8 or other members of the European Union; and you and I have done this many times, and the fact is we are not talking about some field somewhere in some mythological moment of some dream. There is parallel trading today in Europe.

If you go to a pharmacy in Germany, they will price out that product you need, whether it is Lipitor, for whatever you need Lipitor for, the cholesterol, whether you need another drug for blood pressure, for arthritis, or for your heart. Any of those medications they will look at Spain, look at England, they will find the best price for you, and all we are talking about is having the American consumers, our senior citizens, link into that free market, get the competition on price. So rather than paying 50 to 60 percent more than what people in England pay for Lipitor, we would pay the price that they pay in England or in Canada or in Italy or in the Netherlands or in Germany or in France.

It is ironic because all those folks from those countries come to the United States for our medical care. Yet Americans must go overseas for their medications, and what we are talking about is having a system where you bring real competition to the pricing of pharmaceutical products and allow

that competition and that market to bring the prices down and allow that choice to exist, not so people would have to drive up to Canada, not so people would have to go on the Internet to get their pharmaceutical products; but that the prices that the people are now paying in Canada and in Germany and France for Tamoxifen, for Cipro, I am trying to look at the drugs, my eyes are not as good as they used to be, Zokor, those prices would come to their local pharmacy. They would go right down the street and get those prices, go to the pharmacist who would say, well, I think I can get something better in Toronto for you, or, we have the same price right here.

That competition would bring the prices down here; and that is all we are talking about, and every product, whether that is in steel, autos, electronic, software, food, America has the most open markets and the best prices in the world. There is only one product line where we have a closed market, and that is the pharmaceutical products; and it is the only product that Americans pay 30, 40, 50, depending on the product, sometimes 60 percent more than our European allies and Canada.

I would like to give you two other statistics. According to Families USA, of the 50 drugs most commonly used by seniors, the prices have increased 3½ times the rate of inflation over the past year; and between 2000 and 2003, seniors' expenditures on prescription drugs increased by 44 percent. So drug prices are going up.

We have now got a prescription drug bill that offers seniors no benefit as relates to price and affordability of those drugs, and now they are going to continue to go up; and unless we bring something that brings competition and choices to the system, the seniors are going to continue to pay somewhere north of 15 percent increases in prices, and our taxpayers are going to be funding not \$400 billion, but close to \$600 billion in a prescription drug benefit when we know we can get the prices of these drugs much cheaper.

I see you have the next chart. That is why I wanted to bring these statistics.

Mr. GUTKNECHT. Mr. Speaker, reclaiming my time for a few minutes, this is a chart which appeared last week in newspapers around the country with an Associated Press story talking about how various groups are trying to save money on prescription drugs, including a lot of the big insurance companies and health medical plans of differing kinds. I think this chart tells a rather shocking story; and I do say this and I am sincere when I say this, unfortunately I think as we looked at the problem of prescription drugs, particularly for the elderly, in my opinion, we misdefined the problem. I think if you misdefine the problem, the chances of getting the right solution are not very good.

The problem is affordability, and I think this chart illustrates part of the

problem. Since 1997 we have seen drug prices for name-brand prescription drugs in the United States according to the Segal Company, in a report that was published, an article that was published by the Associated Press last week, here is what drug prices have done just in the last 8 years. In 1997, average drug prices went up 12.9 percent; in 1998, 16.8 percent. They slowed down a little in 1999 to only 14.2. Then back up to 16.3, 16.9, 18.4; and the estimates for 2003 are 19.5 percent, and for this year, we are projecting that drug prices will go up 18.1 percent.

If I could just finish this, that means that in the last 8 years, when the core rate of inflation has been less than 24 percent, prescription drugs in the United States have gone up 133 percent. I am not all that good in math, but that is about six times more than the inflation rate. I do not have an MBA. I am not the world's smartest guy, but I know this: this is unsustainable. No matter how you do this, if you have the taxpayers pay for it, if you have our grandchildren pay for it, this is unsustainable. It is eating the United States up and this is the problem.

When people talked about the prescription drug problem, unfortunately too many people here in Washington talked about it as if it was a problem of coverage. Well, if you went to town hall meetings, and you and I have done a lot of town hall meetings with seniors, they will tell you the problem. The problem is not coverage, because they know that right now in any one of these years I believe they could have bought prescription drug coverage from any number of insurance carriers, including the AARP. So they could get coverage. The problem is affordability, and we really only have a couple of choices.

One of them that we use with virtually every other product, including products that we normally think of as being intellectual-property-type products, we have open markets. I mean, it costs a whole lot of money to develop that first chip when Intel brings a chip off the line; but they cannot use this differential pricing for customers in Japan get one price; customers in Germany get another price; oh, and by the way, customers in the United States get stuck with prices that are 40 or 60 percent higher.

I yield back to my friend from Illinois.

Mr. EMANUEL. Mr. Speaker, I am glad you pointed that out. In each of those years pharmaceutical products ran higher in the sense of inflation by the average of 5 to 6 percent more than the core inflation rate.

Mr. GUTKNECHT. Five to six times.

Mr. EMANUEL. Thank you. Five to six times more than the core inflation rate, and it is what drives seniors. I have done town halls, but also I still do office hours at grocery stores and pharmacies where I just meet constituents; and seniors always tell you, I cannot afford the drugs I need. There is an issue of price.

The second issue they said, do not harm the plan I have. I have a good plan from where I work; please do not harm it.

Lastly, and in this order basically, they would then say can we not get a benefit under Medicare, and in the bill that was just passed here and the reason I opposed it is on the fundamental issue of price and affordability.

□ 2045

The legislation on prescription drugs was totally silent on dealing with price. And what we have proposed here, your legislation, deals with the issue of price and affordability and allowing pharmaceutical products and allowing Americans to get the products they need at world-class prices, that is, at 50 percent discount, 40 percent discount, and what people in Germany, France, England, Canada, Italy, the Netherlands, or Ireland is paying. That is what we are trying to do, is address the issue of price and affordability that all of our seniors have talked about.

Then it brings up the other issue. If we are going to have this benefit as part of Medicare, whether our taxpayers today or our children tomorrow pay for it, to me it is mind-boggling why, when you know that you could get prices cheaper for the same brand-name drug, Lipitor or Zocor, why you would get those drugs and pay 40 percent more when you know you can get them 40 percent cheaper. Any CEO who told their board, look, we have checked it out, our supplier, we can get a better price, 40 percent better, but we are going to take a pass on it, that CEO would be fired.

We as the stewards of the taxpayers as well as our senior citizens have an obligation if we know we can get that same drug, that same product for 40 percent less, we have an obligation to do that.

Eventually, we are going to turn our time to the issue of safety, but Health and Human Services is spending \$80 million on a commercial to convince people the prescription drug bill they passed was a good bill. For about \$80 million we could literally put in place, the Food and Drug Administration, a safety plan so that when people bought their drugs in Canada, Europe, et cetera, they could know for sure that they were safe.

Today, not a single drug, in the last 10 years, has anybody ever gotten sick from buying drugs from Canada. We know that for a fact. But for the same amount of money that they are using to try to persuade people that what we did was good, we could put a safety program in place and allow the free market to operate the way it is supposed to operate.

Mr. GUTKNECHT. Well, Mr. Speaker, one of the arguments we always get, and I want to follow up with something the gentleman just said, because I think it is important. Some people say, well, I do not want my mother-in-law buying her prescription drugs on line.

You know what? Neither do we. What we want is parallel trading. What we want is our local pharmacists to be able to buy these drugs at 30 to 300 percent less so that our seniors and others can buy them at their local pharmacy and get those kinds of prices.

The gentleman talked about this, and I do not think most people understand it, I know a lot of our colleagues, still, this is like alchemy or something, but it happens every day in Europe. I wonder if the gentleman would not just share the story of how many drugs we actually import, like Lipitor. Perhaps the gentleman would share that story.

Mr. EMANUEL. Right. First of all, 2 years ago is the last year for which we have data, and the data shows that the United States imports \$15 billion, just shy of \$15 billion a year of pharmaceutical products into the country. \$15 billion. We already do it.

Lipitor used to be manufactured in western Michigan. Today, Lipitor, a drug that some of our colleagues use, we know the Vice President of the United States uses, we know the Secretary of Health and Human Services uses, is now manufactured in Ireland.

Mr. GUTKNECHT. Every tablet.

Mr. EMANUEL. Every tablet is manufactured in a facility not in the United States. It used to be here, but it is manufactured in Ireland. Then it is exported, same packaging, to the pharmacy shops in France, Germany, England, Ireland, United States, Canada, and around the world. Yet that drug, Lipitor, we pay 50 percent more in the United States than they do in Canada for Lipitor. It is the number one selling drug for senior citizens with high cholesterol.

Mr. GUTKNECHT. Reclaiming my time for a moment, Mr. Speaker, when people talk about safety, we need to understand, and I am confident they do everything they can to make certain as they ship these drugs around the countries, from one country to the next, they are as safety conscience as they can be, but do understand they are not shipped in armored cars. These are going in big containers, generally in big barrels with a plastic bag on the inside. And the idea that they cannot sit on a loading dock in New Jersey or in Illinois or Oregon or wherever and somehow that is completely safe, but if a consumer in the northern suburbs of Chicago or in southern Minnesota decides they want to order their drugs from a reputable pharmacy in Canada and the package is delivered by FedEx or UPS, that somehow that is not safe, is laughable.

We have talked about this enough, but it just boggles my mind. And I think the gentleman's point is a good one, that here we are spending lots of money encouraging people to believe that the pharmaceutical drug plan that was passed by the Congress and signed by the President, this is a democracy, it is the law of the land. And I am not here tonight to be overly critical, but the point is, for all the money we are

spending promoting this, we could have put in place a system that would be safe for American consumers.

Frankly, if they could buy their Glucophage for 300 percent less or if their pharmacist could buy it for 300 percent less and pass some of the savings along to them, they may not need a benefit from the Federal Government. They may not need our grandchildren to pay for those drugs.

If the drug companies can figure out a way to safely import and export drugs around the countries, then we ought to be able to. More importantly, if we can have parallel trading between Germany and France and England and Ireland and Spain, in other words, if a pharmacist in Germany can order their Coumadin from a pharmaceutical supply house in Spain and save his consumers or her consumers 75 percent, they do that.

Here is the thing about the Europeans. They are not intrinsically smarter than we are. If they can figure out how to do this safely, I have every confidence our pharmacists and our FDA can do this safely. It is a bogus argument. It gets thrown in our face, but here is the interesting thing. No one believes it. Consumers do not believe it, and we have some evidence that there have not even been complaints filed.

There is another article, and I am sending this out to all my colleagues in the next couple of days, again from last week's paper. It says, "Pharmacy complaints slow none on Canadian imports." In fact, in the State of Minnesota over the last 5 years, there have been 473 complaints to State regulators about pharmacies and/or pharmacists. In the last 5 years. Not one alleged an error by a foreign pharmacy, according to a review conducted by the Associated Press.

In other words, if there is a huge problem, and literally in some areas of my home State half of the seniors are now getting their prescription drugs from Canada, so if this was a huge safety hazard, you would think that we would be getting lots of calls, lots of complaints, and yet the answer is zero.

Mr. Speaker, I yield to my colleague.

Mr. EMANUEL. I thank my colleague, Mr. Speaker.

The reason I brought up the \$80 million being dedicated towards advertising the prescription drug legislation and that for that same amount of money we could put in place a system at the Food and Drug Administration to ensure that people could buy their drugs safely is because President Kennedy once said, "to govern is to choose;" and that is the choice we have made.

With that system in place, we would have, as the gentleman said, rather than having specifically a benefit that some do not think accomplishes that much, we would bring the discounted prices, the 40 percent retail discount price, right to our pharmacies in the United States and to our consumers,

saving billions of dollars throughout the health care system that could be dedicated towards the uninsured, towards whatever we wanted to dedicate it to. It would literally wring out an inefficiency in the health care system by allowing the, irony of ironies, the free market to work.

Secondly, we know from the Wall Street Journal, I think about 3 months ago, that the pharmaceutical industry thought that the best way to defeat this legislation was to scare people by talking about people getting sick, the safety risk of the pharmaceutical drugs imported from Canada. Yet in sworn congressional testimony, the Food and Drug Administration acknowledged not one person they could find has ever gotten sick from buying drugs from Canada and Europe, and yet 2 million Americans do it every year. People have gotten sick from food that has been imported from around the world, but not one person who bought their drugs from Canada has ever gotten sick, according to the Food and Drug Administration, and close to 2 million Americans do it a year.

So that is number one.

Number two, in my State, my governor conducted a study looking at the likelihood if they were to import medications from Canada how much they could save Illinois. We spend close to \$350 million a year for retirees and State employees. The State would save its taxpayers \$91 million if they bought their drugs competitively. In addition to that, and the New York Times acknowledged this about the study, the study in Illinois found that Canada actually had a safer system than the United States because less people touch the drug from manufacturing to the shelf in the pharmacy.

So this whole notion of fear was literally an embellished story by the pharmaceutical industry as a way to defeat this legislation. And what I am proud of is that not only the American people have not bought it, but 243 Members of our colleagues here in this hall did not buy it, passed this legislation this year not once but twice, and, hopefully, the other body, the other Chamber will follow suit. This whole notion of safety was a red herring by the industry to intimidate people.

I will make one last comment about safety. Six years ago, when the generic industry was just being started, the name-brand pharmaceutical industry said the problem with generics was safety. What did we discover? We discovered that a lot of those generic pills were being manufactured at the same facilities that the brand-named drugs were being manufactured at. Then they walked away from the safety argument, and generics have grown as an industry, saving tens of billions of dollars for our consumers.

They left that argument on the shelf, but when it came to competitive pricing for pharmaceutical products, which allow the market to work, which the gentleman's legislation does, they

brought up the safety issue. And, once again, we have shown in sworn testimony where the FDA says not a single person has ever been recorded getting sick, and the American consumers have not bought that argument that the industry has tried to scare them with. They know they can do. They do it every year.

My colleague and I run into seniors every year, I run into them at some of the public housing and some of the other senior housing in my district, where somebody on the haul will get everybody's prescription and will go up to Canada, fill everybody's prescription, and come back. They know it is normal. They do not think anything is wrong with this. They just cannot understand why we cannot do it here.

So on that issue I wanted to address those specific points on safety, and I yield back to my colleague.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman.

As my colleague knows, people are voting with their feet; and the gentleman alluded to how much we are really talking about, ultimately.

Now I am not saying this is a panacea. I do not think this is the silver bullet that will solve all of our problems with seniors being able to afford their medications. Clearly, there will still be seniors that fall through the cracks, and I think there legitimately is a role for government to play to help those people who cannot otherwise afford the health saving products they need. But the bottom line is, if we could at least guarantee them they had fairer prices, fewer and fewer of our seniors would need this.

Let me also say this is not just about seniors. There are a whole lot of working families in my colleague's district and my district that have children that have very serious medical conditions that are now paying thousands of dollars per month for some of these medications where these companies are willing to sell those same drugs for a lot less in some of these other countries.

Let me put a pencil on this, because an estimate done by Dr. Steve Schondelmeir, a professor of pharmacology at the University of Minnesota, his estimate is Americans will spend about \$200 billion on prescription drugs this year. That is not just seniors, that is all Americans.

Now I am not saying we are going to be able to take advantage of all of the differences that we see on some of these charts. I think, as time goes forward, we will see if we do open the markets we will see prices come down in the United States, and we will see prices in other industrialized countries start to level off. At least we will not have to subsidize it.

But my estimate is that we will save at least 30 percent, and no one has challenged me on that number. I have had some of the pharmaceutical folks say, oh, no, no, no, it is not nearly that. I have said, okay, what is the

number? Well, we do know, and some of it has to do with currency and some of it has to do with other problems. But, my colleagues, 30 percent of \$200 billion is \$60 billion.

Now that is \$60 billion that American consumers could spend on a lot of other things. They could be buying things that might improve our manufacturing sector. They could be taking their kids to baseball games. They could be paying for violin lessons for their grandchildren. \$60 billion would amount to the largest single tax cut in the history of the world.

□ 2100

I, as a supply-sider, think that is a good thing. That is money that could be spent on other things. They say, well, if we do that, there will be no more research. I do have to give the pharmaceutical industry credit. They are turning out new products, a lot of them we see advertised every day, and there is some health advantage to all of these that help some of the older men in the United States still enjoy a more vigorous life. Let us say it that way for prime time here. But at the end of the day, many of the things that the drug companies are spending their research dollars on are not necessarily on the miracle cures that they sometimes talk about. They are on new products that are slight improvements over existing products. For example, they changed a couple of molecules in Prilosec which was going off patent and they call it Nexium. Prilosec can now be bought over the counter for about \$15, but they wanted to convert all the Prilosec users to Nexium because that sells for about \$130 a month. It is not exactly about improving the quality of people's lives as much as it might be about making certain that they can guarantee a profit stream.

Let me just add one more point, because some people say, well, if this happens, it is going to really have a devastating impact on America and American industry and American companies. Let me just point out that some of the largest pharmaceutical companies in the world are not based in the United States. Bayer, the maker of Cipro, is a German company. Glaxo is actually a British company. AstraZeneca and Roche and Novartis, I believe, are all Swiss companies. So many of these pharmaceutical companies not only do business under the European model; they are based in Europe. And so the idea that somehow this is going to devastate America and American industry again is sort of a specious argument.

So we talk about safety. We talk about research. I am proud of the fact that we as Americans, and this is a number that I try to share with people, as the vice chairman of the Committee on Science, this is a number we should all be proud of. Americans represent less than 6 percent of the world's population; but between what the taxpayers pay for, what foundations and voluntary contributions pay for, and what

we pay for in the high prices for our prescription drugs in the United States, Americans pay for over half of the basic research that is done in the world. We are 6 percent of the world's population, and over half of the basic research is done by and paid for by Americans.

Mr. EMANUEL. The gentleman and I have talked about this. What galls me a little about this whole subject is that not only are we paying the most expensive prices in the world but all the research that the pharmaceutical industry does is subsidized by the taxpayers. They write it off fully, 100 percent. The taxpayers are literally funding the research. Not only do we fund the research for this new medication, we have the dubious honor to pay the most expensive prices in the world. Second, is through the National Institute of Health, which is an annual budget here in the Federal Government of \$27 billion, not all of it going to research for new medications, yet all the primary research that they do, I think it is about half of it, literally is subsidized by the taxpayers. One cannot think of a cancer drug or an AIDS drug, just to name two, that the taxpayers did not do the primary research. The pharmaceutical industry took that research, took it to market, took it through stages one and two, but the primary research was paid for by the taxpayers directly through the National Institutes of Health and then the follow-on research was subsidized through the tax credit research and development.

All the R&D that the companies do is tax free, the taxpayers subsidize it; and then we pay the highest prices at our pharmacies for those same drugs that a lot of these companies sell on the shelf in Canada, in England, in France, in Germany for 40 percent to 60 percent less.

So we paid for the research and then we pay the highest prices in the world. The gentleman noted that. That to me is what is most galling here. I do not fault really the pharmaceutical industry. I fault us here in the political system who have a job to represent our taxpayers, our middle-class families, our seniors, for allowing them to get away with a system that manipulates the patent laws, deals with tax subsidies through the NIH or through the tax credit R&D, and then passes legislation that literally gets away without dealing with the fundamental issue that all of us have constantly heard about at our town halls, at our grocery stores and at our pharmacies and, that is, we cannot afford the medication we need. It is not that they needed a benefit, not that a benefit was a bad thing to do, but they wanted the medications they needed at the prices they can afford.

I give the pharmaceutical industry credit for two things: one, they played the system perfectly, and I do not fault them; second is that they do good work. I was once in the hospital for 7½

weeks. I would not be here if it were not for some of the products that they had developed. I have no problem with that. But the prices I paid at the hospitals were a lot cheaper than what we pay at the pharmacies.

All we are asking for is that same competition to get those prices. We are prevented from doing it. This legislation that was recently passed specifically outlaws it; and I do believe, as I do in free markets, that if you allow that competition and you allow the consumer that freedom, you are going to get choice. Once that choice gets into the market, prices will come down here. Let me say, they will go up in Europe. But you will have an equilibrium, and you will not have a 50 percent disparity where we end up subsidizing those folks in Europe. When I say "we," hardworking middle-class families, taxpayers and the senior citizens.

I say pay for the research, I want us to own that research, but we need not have to pay the highest prices in the world. That is the mistake. The prices on the shelf at the pharmacies, that is the error here. We can do something about it. We have done it here in the House. Hopefully, our colleagues in the other body will also follow suit.

Mr. GUTKNECHT. I want to thank the gentleman for joining me tonight in this Special Order because I think this is an issue that is just simply not going to go away. I think a lot of folks here in Washington and some of the folks who represent the pharmaceutical industry thought, now that we have passed the prescription drug benefit, this issue about affordability and competition and open markets will just go away. We are here tonight to report that the issue is not going to go away and that Americans are still concerned.

As I say, it is not a matter of right versus left. It is right versus wrong. It is simply wrong to hold American consumers captive so that we pay the highest prices in the industrialized world. As the gentleman just said, we subsidize the pharmaceutical industry and the research in three separate ways. First of all in the Tax Code. Not only do they write off every dollar that they spend on research; in some cases they actually get a research and development tax credit. So the costs to the company are very negligible. In addition to that, we subsidize them through the NIH, the CDC, and even through the VA and the Defense Department. So I think the real number that we spend on basic research that ultimately benefits the pharmaceutical companies actually is closer to 27 billion taxpayer dollars per year.

Again, in some respects I am very proud of that. When we talk about some of these miracle drugs like Tamoxifen, that was developed by the NIH, the National Cancer Institute. It was taken through phase-2 trials. Then they licensed it to the pharmaceutical company and our reward, at least until just the last several months, is American consumers were paying six times

more for that drug than consumers were paying in Germany and in England and in the industrialized West. And I agree with the gentleman. It is not so much shame on the pharmaceutical industry. Essentially they have been given a market opportunity here in the United States with a captive market, and they have taken advantage of it. I do not say shame on the pharmaceutical industry as much as I say shame on us. Because we create the rules, and the rules here are heavily stacked against American consumers.

We are not asking them to give away their drugs. I would not say to Intel, and they deal in intellectual property, we understand that first chip off an Intel line may cost them \$500 million. The next chip may cost 5 cents. We do not tell them what they should sell their chips for, but we do not stand idly by if they want to take advantage of American consumers or American users of their products while they sell them for much lower prices in other parts of the world.

All we are really asking for is basic fairness. I think at the end of the day, the American people understand this. This is an issue the American people get. Part of the reason the gentleman and I have been traveling around the country and speaking to various groups and at least raising the attention and elevating the debate about this issue is because it is such an important issue to so many people. I was in Oklahoma City, and I had a lady come up to me at the end of the meeting there. I spoke at a senior expo down there. A lady came up, she was probably in her thirties. She said, I work for the local bank. I said, really. You could tell she had something more she wanted to tell me. She said, Congressman, what I do is reverse mortgages at the bank. You would not believe the number of seniors who come in and get a reverse mortgage on their house because they cannot afford their prescription drugs.

I say, shame on us. That kind of thing, we could do something about. In fact, I am proud of the fact that we in the House have done something about it. When people call me and say, well, what can we do? What can we do, Congressman, to make certain that something like this happens this year? I always say, the House has done its work. If people would like more information about what they can do to make this a reality, to allow Americans to have access to world-class drugs at world market prices, they can leave me an e-mail, just go to my Web site at gil.house.gov and I can give them more information, we can give them more charts, we can show them what we have learned.

We know, for example, in terms of the safety, and the gentleman alluded to it in his remarks, the CDC and others all keep records, we know that not a single American has died as a result of taking a drug from another country. We also know that, on average, 6,000 Americans die in hospitals in the

United States from getting the wrong prescription drug, the wrong dosage, or they get a reaction to a prescription drug. That is happening now. We know, for example, you are much more likely to get sick and die from eating onions from Mexico. In Pittsburgh alone, we had 500 Americans who got seriously ill, three died, from onions from Mexico. Nobody has died from taking Coumadin from Germany.

Mr. EMANUEL. Before I leave, I wanted to add one other point. I think the gentleman explained this, and I had not even known this, but on Tuesday night, the pharmacies across America get the new prices coming in over their fax machines. Going to that other chart, this year we are expecting pharmaceutical products will go up 18 percent. Inflation will be at 2 percent. So if you go to your pharmacy, to all the people who may be watching, and you go to fill your prescription, then you wonder why the same prescription that 3 months ago if you get a 3-month supply or a month ago cost 21 bucks or 50 bucks and this month, the same drug, nothing changed, nothing, but it is up \$12, it is all because of that chart.

You can go ask your pharmacist if you have time on your hands on Wednesday how much they priced up all the products. Unfortunately, what the pharmaceutical companies have done, we just talked about it, they game the tax laws. Again, no criticism, but they have gamed the patent laws in this country, they are gaming the legislation on prescription drugs, and what they decided to do was price up the pharmaceutical products right before this discount card is introduced. So what it is going to look like is a sale at Neiman Marcus around America, which is rather than paying and getting, quote-unquote, this 25 percent discount, which I am not really sure will ever materialize, what you are really going to see is a run-up in prices right before this summer, and you are seeing it today at your pharmacy. So if your prices are going up, you know what is going on, and when this big balloon, big announcement is going to happen, you are going to see a big sale at Neiman Marcus right here in America. You are not going to get a sale price. They are just plussing it up before the big discount card. Our American senior citizens are going to be running around in a cul-de-sac chasing themselves, and there is going to be no discount, the taxpayers are going to be saddled with a big bill, they are going to pay \$35 a month for this card, and they are going to see no discount.

Yet we literally have in front of us the opportunity, and the gentleman noted a figure, I think it is an accurate figure, at a minimum, to save \$60 billion this year if we had competition in the free market. That could go toward other things in our system, a college education, buying things for kids' education, other type of health care needs; but it just could be so much more productive than what we are doing with it.

I think it is so important that we pass this legislation so that the legislation we do pass finally deals with the central issue our constituents tell us about, price and affordability, and so we do not have to hear the story about a mortgage consultant doing reverse mortgages for our senior citizens so they can literally take the equity out of their homes so they can buy their medications that they need.

This is the greatest country in the world. We are all fortunate to live here. We can do better than what we have just seen in front of us. I thank the gentleman for taking this time to organize this.

□ 2115

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for joining me tonight. I think it would be fair to say we do not agree on every issue, but we agree on this, and that is Americans should not be held captive. The House has done its work, and I was never prouder than when this bill passed the House Chambers here against a withering attack by the pharmaceutical industry and sometimes by our own FDA. But this is the people's House, and that night the people finally ruled.

I am not asking for the pharmaceutical companies to give away their companies. I am not asking them to change the way they do research. It may well be they have to adjust how much they spend on advertising and marketing, because there is growing evidence they are now spending more money on advertising than they are on research. I do not know if those numbers are true, but I think perhaps we can have some hearings here in the House and find out.

But, at the end of the day, all we are asking for is basic fairness. It is not right versus left. It is simply right versus wrong. It is wrong to hold Americans captive.

We are not going to go away. This issue is not going to go away. I believe that before this Congress adjourns the chances are very good that our friends on the other side of this Capitol will follow the lead of the U.S. House of Representatives. They will pass a bill that will allow Americans to have access to world-class drugs at world-market prices.

Ms. DELAURO. Mr. Speaker, I rise to discuss an issue that touches the lives of every senior in this country and want to thank my colleague from Minnesota, Mr. GUTKNECHT, for his leadership in the fight to lower the cost of prescription drugs.

The single greatest failure in the Medicare prescription drug bill that passed this Congress last fall—and there were many—was its refusal to do anything about the one issue that affects seniors most—price. With the cost of the 50 most frequently used medicines by seniors rising by nearly three-and-a-half times the rate of inflation, how any prescription drug bill could fail to address this concern is, frankly, beyond me. High health care prices are eroding the living standards of our middle-class families.

In the last few weeks, we have learned who the real losers were in this Medicare bill: the American people—current and future retirees. First, we learned that the true cost of the legislation was fully a third higher than Members of Congress and the public had been told—that it would cost the taxpayers \$535 billion instead of the \$395 billion previously reported.

I say "reported" because we also recently learned that the Medicare actuary Richard Foster, a 31-year career public servant, was threatened with dismissal by his superiors in the Administration last year when he discovered that the cost of the bill far exceeded what had been publicly acknowledged. And this was before the 3-hour vote held here on this floor.

And last week, we learned that the program will be bankrupt sooner than previously estimated. According to the Medicare trustees' report, Medicare's finances have, quote, "taken a major turn for the worse." The report predicted the program will be bankrupt by 2019, instead of 2026, as had been previously estimated. According to last Tuesday's Washington Post, since the program was created in the 1960s, never before has Medicare lurched seven years closer to insolvency in one year.

All this flies in the face of what the Republican leadership and President Bush himself said as the bill was being debated by Congress. The President said that any Medicare prescription drug legislation that came to his desk must, quote, "strengthen the program's long-term financial security." And the Speaker of this body said that the final bill, quote, "made Medicare more sustainable" and would "change the paradigm of health care in this country."

Well, Mr. Speaker, the Medicare law may have changed the paradigm of health care in this country, but it was decidedly not for the better. As a point of fact, the trustees report tells us that the law was the primary reason that Medicare—and the health care of our senior population—will be less secure.

Combined with an advertising campaign promoting the law that even the nonpartisan General Accounting Office found to have "notable weaknesses and other omissions," it is fair to say these recent developments have seriously undermined public trust in the Medicare program and its ability to provide care for our seniors.

This Congress has a moral responsibility to honor our contract with the seniors of this country—a contract that says after a lifetime of hard work, raising families, and doing the right thing, that seniors deserve the dignity of a secure retirement. That begins with restoring public confidence in the Medicare program—one of the twin pillars of our retirement security safety net and the embodiment of our country's shared values. That begins with improving the program's financial health for real.

The first step would be a simple one—giving ordinary Americans the opportunity to reimport drugs from some countries, a choice millions are already making on their own, out of desperation. Legalizing reimportation is something Congress ought to have included in the bill last fall. This one provision would save Americans \$600 billion in the next decade—savings passed directly onto the consumer.

We know reimportation is a safe and feasible option. In 2001, U.S. drug companies themselves reimported \$14.7 billion worth of brand-name medications from their overseas plants. In fact, according to incoming FDA

Commissioner Lester Crawford, for less money than the administration is spending on its advertisements to spin the truth about the recently passed Medicare bill, the FDA could set up a program to safely reimport drugs from Canada. With that knowledge, this body overwhelmingly passed legislation by a vote of 243 to 186 that would allow for the safe importation of drugs.

But instead of adopting our legislation, the final bill that passed the House and Senate contained no provisions to hold down the cost of drugs at all. And by tying the premium seniors will pay to cost, seniors' out of pocket costs will continue to rise.

Mr. Speaker, with the baby boom generation set to retire at the end of the decade, it is critical that Congress act now to protect the quality and the solvency of the Medicare system. That starts with bringing down costs, including giving the Secretary of HHS the power to negotiate lower prices with the pharmaceutical industry, just like they do at the VA. But legalizing reimportation and giving seniors access to international markets is something this body supports, and it should be the first step. It should be law.

Again, I want to thank my colleague from Minnesota for this opportunity. Let's do the right thing.

OUTSOURCING OF JOBS

The SPEAKER pro tempore (Mr. CARTER). Under the Speaker's announced policy of January 7, 2003, the gentleman from Washington (Mr. SMITH) is recognized for 60 minutes as the designee of the minority leader.

Mr. SMITH of Washington. Mr. Speaker, I want to talk this evening a little bit about a subject that has been on everyone's mind and certainly being talked about throughout the country, and that is the issue that has come to be known as outsourcing or offshoring, the concern that many Americans have about the number of jobs that used to be done in the United States that are now being done overseas.

The best way to think about this issue is to think about our entire economy. It is not really just about outsourcing or offshoring of jobs. It is about the future of the U.S. economy and, most specifically, where the jobs are going to be. That is the fear that I hear expressed by my constituents and by people throughout the country. They are worried about what jobs are going to be here for them in the future and for their children and for their grandchildren. What should they prepare for? What type of economy are they going to have? Are we going to have enough good jobs across the board so that the people of our country can be employed and employed at a standard of living that we have all come to expect?

I think, when I look at the debate, we have to be very careful about how we approach this issue; and I am pleased in working with the new Democrats and also with other members of the House Democratic Caucus that we are working on a series of proposals and a series of issues to try to address this

issue in a serious and intelligent manner that will help us create the type of economy that we all want.

Right now, there are sort of two directions that we see being taken by the majority of folks, and neither one of them is particularly helpful. On the one hand, I do not think it makes sense to take a full-scale protectionist approach, to basically say that we need to stop trading with other countries that do not have the same labor and environmental standards that we do, that we need to cut off immigration and, in essence, we need to adopt a policy that says we are going to do whatever we can to protect every job that currently exists, regardless of the consequences. History has shown us that sort of approach leads to less economic growth in the future, and that is what this is all about, is long-term, sustainable economic growth for the benefit of all of us.

I would point out that the most protectionist economy in the world right now is, arguably, Japan. They have done just about everything they can to protect all of their existing jobs, all of their existing businesses. They subsidize industry. They erect tariff barriers to outside countries coming in and competing with them. They protect bad loans even long after they are no longer obviously going to be paid. They do everything they can to protect that economy, and it has led to a decade-long recession in Japan.

One needs to be able to change. One needs to be able to grow. One needs to be able to not just protect the bulk of the jobs they have but, most importantly, to be prepared to take advantage of the future economic opportunities that are to come.

That is what we do better than any other country in the world. We have a higher capacity for change than any other country in the world. We have consistently seen the next trend, gotten there first, and benefited economically. Most recently, we have seen this in technology, in the Internet, in software and hardware before that. We prepare ourselves for the new trends in the economy, take advantage of it, and get out front and have a leadership role, and we need to do that again.

As much as protectionism is not the best way to go on this, I think it is an equal mistake to take the approach that far too often the current administration has taken, which is to say that there is not a problem, basically outsourcing, offshoring, it is just the natural economic dynamic at work, creative destruction, it will all work itself out, we do not need to do anything. That, I think, is an equally unwise approach. There are policies that we need to adopt in this country to be prepared to deal with globalization, to deal with the economic changes.

They will point to past times when it looked like our economy was challenged throughout the 1980s. People thought that Japan and other countries in Asia would take over and we

would never be able to compete with them. That certainly did not happen as we came into the 1990s. With each economic change, there has been this concern that somehow we will not be able to compete, and we have risen above and competed. And that is true, but it is wrong to say that we did that effortlessly, that we did that without adopting policies to confront it.

In the 1950s and 1960s, we adopted policies to deal with the space race that we had going on with the Soviet Union. We set up the National Science Foundation. We did a lot of things to encourage people to study and get education in the areas where we thought the jobs and the economy would be in the future. We built the interstate highway system. We passed the GI Bill to make sure that all the people coming out of the service could have access to education.

We made policy decisions to deal with these changes. We did not just take a step back and say economics will take care of it. We adopted policies that made sense to move us forward. That is what we need to do today, and we have some specific ideas amongst the new Democrats and the Democratic Caucus to do that.

First and foremost, there is nothing more important than education and job skills in competing in the global economy. The more skills we have, the more education we have, the more we will be able to compete, particularly for those high-end jobs that are so important in keeping our economy strong and giving American families the opportunities that they deserve.

There is some despair out there about job training. We can see stories about people who were trained for jobs and then wound up being outsourced and they did not have access to them. But for every one of those stories, there are hundreds, if not thousands, of other stories of people who have used the advanced skills training and the advanced job training and education they have received to be employable, to be employed in many cases in better jobs than they had before.

That is why I and a number of other folks have introduced a bill on trade adjustment assistance to the number of people who are eligible for those benefits because we believe that trade adjustment assistance works. It would work a lot better if we fully funded it so everybody eligible for those benefits got all the benefits, but it works when it is used, and we need to use it more, not less. So our Trade Adjustment Assistance Bill would expand the number of people covered to include service sector workers who now increasingly face the same sort of competition that manufacturing sector workers have faced.

We also expand the bill to expand the number of countries to which, if they lose their job, they are eligible for these benefits. Currently, it is restricted to very few countries that we have specific trade agreements with.

We have lost many jobs to countries that do not fall into that category. We need to retrain those workers as well. We need to make that investment.

But when we look at the education and jobs skills issue, it is not just about retraining. It is also about basic education. We hear a lot of scary economic statistics out there, but for me the scariest statistic right now has to do with education and specifically with education in the area of math, science, and engineering. Those are the degrees and skills that are going to most create jobs in the future, that are going to most take advantage of the trends in everywhere from biomedical sciences to energy to the new ideas. It is math, science, and engineering that will grow our economy.

Right now, in China, 70 percent of all undergraduates get degrees in math, science, or engineering. That is what the Chinese are doing. What we are doing here in the U.S. is 5 percent of our undergraduates get degrees in math, science, and engineering; and, furthermore, the real number of degrees that U.S. students are receiving in those three key areas, math, science, and engineering, have gone down every year for the last decade. We are putting out fewer people with the skills that are desperately needed, and there are changes that we can make in our education system from the K-12 system forward that will help us deal with that and compete better. We need to set high standards. We need to place emphasis in the K through 12 level on math and science to get our students interested in it.

Too often right now, and I have visited just about every school district that I represent and many of the schools, when I talk to the students and the teachers there, they cite the same problem. By about the seventh or eighth grade, someplace between the seventh and eighth grade and 11th or 12th, students lose interest in math and science. It is happening to somewhere between 50 and 75 percent of our students. We lose them before they even have the chance to get into a university and get the advanced degrees that they need in these areas. We have to change that, and we have to increase the emphasis in those areas.

I am pleased to say that that is happening in a lot of States in the Union. Certainly in Washington State we have adopted higher standards. We have made math and science priorities. We have made those basic skills fundamental, and we are starting to see some changes. But we need to aggressively approach that. We need to do whatever we can to make sure that we get as many degrees in math, science, and engineering as is possible.

But it is not just about education. There are other issues that are important, and certainly trade is important. I mentioned that protectionism is not the way to go, and I believe that. We need to open overseas markets, get access to those markets so that we can

sell our goods. But that does not mean that we need to lay back and do nothing in the trade area. We need to make sure that our trading partners live by the same rules that we do.

One of the biggest mistakes that this country has made certainly in the last 3 years is to not aggressively enforce the trade agreements to our advantage. Certainly other countries are coming after us. Europe sued us over our manufacturing tax credit. Now we have to totally change that, possibly to the detriment of U.S. companies. We have dealt with many different issues where other trading partners have come after us for what they perceive to be trade violations on us. We, on the other hand, stand idly by while other countries do not give us the same access to their markets that they have to ours.

Most specifically, we have a huge problem with other countries, primarily China, stealing our products. And it is not just software and intellectual property like movies and books and recordings. It is everything. It is the basic manufactured product that some small businesses made where the Chinese come over, copy it, take it back, sell it as their own. We should issue trade actions to stop that.

We should also aggressively go after nations that unfairly manipulate their currency to gain a trade advantage. That is against the WTO. We voted, I think correctly, to bring China into the WTO, to make them part of a rules-based economy. That is great. But to bring them into a rules-based economic system and then not make sure that they follow those rules is ridiculous. It is not taking advantage of what we put out there. We have numerous opportunities to make sure that our trading partners' markets are as open to our goods as ours are to theirs. We should be much more aggressive in enforcing that. We cannot afford to lay back and assume that somehow we are always going to win these competitions.

The final issue I want to talk about is investing in research and development, basically making sure that we have the investments made with our companies and with our university system so that we can develop the next best thing first. That is what economic growth is really about, is being at the cutting edge of new inventions, and that is all about investments in research.

One issue of particular concern, when we look at economic growth, a lot of people will tell us that health sciences, biotech, biomedical, that is where the future is. When we look at what is going on with the human genome, with DNA, with a variety of different issues, with the development of pharmaceuticals, there is massive potential for growth in these areas. We have several advantages in being the leader on that.

But one of the ones that we are giving away right now is in the area of stem cell research. It is a critical factor in developing in the area of health

sciences. We have limited the funding for stem cell research in the United States, and a lot of those projects have gone to other countries. They are getting ahead of us in that technology.

In numerous other technology issues we have the ability to change our policy to make sure that we are making the investments in research and new technology to be the leaders. We need to make sure that we do that and move forward.

Overall, there is no question in my mind that the United States of America can figure out a way to create long-term economic growth so that we can compete in a global economy and create the kinds of jobs that we want. But we cannot sit idly by and pretend that that is just going to happen naturally. We have to make smart policy choices to help the workers, to help the people of our country in their efforts to compete in an increasingly challenging world. We can do it, no doubt about that whatsoever, but not if we are not smart as public policy makers about helping our workers in their ability to compete and create a strong, long-term, sustainable economic growth in this country.

I am pleased to be joined by one of my colleagues who has been working with me and others on this issue, very knowledgeable in economic policy issues. I yield to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I thank the gentleman for yielding to me.

Let me elaborate on some of the points that the gentleman has raised about the outsourcing issue that we are experiencing throughout the country, in Washington State and my home State of Florida. Forrester Research, Inc., has predicted that American employers will move over 3.3 million white collar service jobs amounting to about \$136 billion in wages overseas over the next 15 years.

□ 2130

There are clearly sectors of our economy that are among the most vulnerable. About 14 million jobs, or 11 percent of the U.S. total that have been identified at risk, are jobs that involve telephone call centers, computer operator, data entry operators, business and financial support, parallel and legal assistants, diagnostic support services, and finally, accounting, bookkeeping and payroll.

This is a phenomenon which we are experiencing right now throughout the country, Democrats, Republicans, Independents. There is no nobody who will escape this. The question is, how will we deal with it? We have to be honest. We cannot bring a lot of these jobs back. We can offer the Trade Adjustment Act, which the gentleman from Washington (Mr. SMITH) has introduced with a growing number of Members of Congress, Democrats and hopefully Republicans, that will provide support for people who are displaced by trade or

outsourcing. But what we really need to do, as was mentioned earlier, is try to get to this problem at the source.

We cannot promise anybody that having the highest level of education will guarantee them that they will not be competing against somebody from another country, but what we can guarantee to them is the best fighting chance they have of protecting themselves and their family.

We will be debating, hopefully, in this Congress changes in the tax law that assure that the United States taxpayer is not subsidizing companies to go overseas and to compete against the domestic workforce. But at the end of the day, our best weapon is the American worker and his or her job skills and work ethic.

One of the areas that we should be emphasizing as a Congress to deal with the problem of encouraging more students to enter math and science and engineering, as was mentioned earlier, is to attract more teachers into those fields.

There are ideas that abound in congressional districts and communities around the country, and it is the job of Congress and Washington to provide the funds to the community colleges, to the school districts, to the private sector, the not-for-profit sector that will come together for the good of the communities and attract people into the teaching profession and create the kinds of programs that will work in individual communities.

In every community in this country, there is an enormous amount of graduate school education that is occurring in these fields, math, science and engineering; yet the painful fact is that the vast majority of students that are entering these programs now are students who are entering here from other countries and helping us build bridges with those countries that are important; but ultimately many of these students are choosing to return to their homes and to benefit their own economies. We need to be getting more of our students into these graduate courses to become professors, to become inventors, to become some of the best forward-thinking engineers for the next generation of this country.

Ultimately, what we also need to focus on is a way for Congress, Democrats and Republicans, to write a tax credit that will provide an incentive to employers to invest in their workers. Not just to meet the needs of the employer, but to provide a lifetime of learning, to provide trainability for a worker, so that as more competition is experienced from other countries, that worker is able to adapt through additional training, whether they are doing it on their own or going back to a college, university, community college or vocational training, so, again, our workers have a fighting chance, they have the tools they need and the ability they need to sharpen those tools, to broaden their job skills, to compete in this increasingly global economy.

This is a time where Democrats and Republicans in Congress should be coming together trying to find solutions in education and job training to help our workers face this onslaught of competition from overseas. The agenda from the President and from this Congress so far has been to simply provide tax cuts that have gone to the most affluent Americans in this country.

It is time for us to acknowledge as competition heats up in the global economy that is not a solution for most of the people in this country who want to work, who want to succeed, who are prepared to go back to school, who are prepared to do some additional job training, but want us to support them, to help them do that.

So I hope that there will be other Members that will come to the floor here in the days ahead and join us in trying to identify how we write a bill that provides a constructive, positive agenda with confidence in the work ethic and the skills of the American worker, to help us ultimately succeed, as we have done throughout the history of this country.

Mr. SMITH of Washington. I thank the gentleman.

I want to follow up with a couple of the tax policy points. As I mentioned, job training and worker skills, the best way to do that is obviously to have the companies train their workers, because companies know what specific skills they need. Increasingly, in having job skills, it is not just a matter of knowing a certain computer programming skill or a certain scientific skill. It is knowing what a specific company needs, and the only way to do that is to get training from the companies, or I should say the best way to do that.

So tax credits that encourage companies to give training to their workers so that they can improve those skills and stay employable in those companies is an excellent idea, and also just overall developing the Tax Code to make sure it encourages businesses to create jobs here domestically.

We have a situation now in the Tax Code where if you have a plan, let us take a call center as an example, that is one of the ones that has been offshored, and you are here domestically in the U.S. employing workers and making profits on that call center, you pay taxes on it.

Now, if you take those same workers and move them overseas, even if they are still servicing U.S. consumers, U.S. customers, all of a sudden they do not pay taxes anymore in the U.S. on that. There is a proposal by Senator JOHN KERRY to change that, to make sure that if you are performing services here in the U.S., you continue to perform them for U.S. customers in a different country, you still have to pay taxes on that. That would discourage or take away one of the incentives the companies have to move jobs overseas.

The second idea within that area that Senator KERRY has introduced, which is a positive incentive, would be

to allow companies that have subsidiaries overseas and subsidiaries that serve overseas markets, not U.S. markets, whether it is in China, India, Vietnam or wherever, if they are doing that and making profits over there, right now if they want to bring those profits back to the U.S. from their subsidiaries, they have to pay taxes on them. If they leave them overseas, they do not.

It makes sense to reduce that tax rate to give them an incentive to bring the money back and invest here in the U.S., and that is another tax idea that Senator KERRY has supported. I think it is a pretty good contrast with the general approach of the Bush administration, which is just give tax cuts to the people who make a lot of money and hope that they invest that money here. We know there is no guarantee of that. They can invest that money any place they want to, and increasingly they are investing it overseas. So our tax policy needs to be smart to help grow jobs here domestically.

I want to now turn it over to the gentleman from Michigan (Mr. STUPAK), another of my colleagues who has worked extensively on this issue and understands the importance of job creation.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding. I am pleased to join the gentleman from Washington (Mr. SMITH) and the gentleman from Florida (Mr. DAVIS) in just talking a little bit about jobs and what needs to be done.

Those of us who have worked in many different aspects within the Democratic Party, we like to see different things done. It is not just simply a free trade issue, or it is not just a tax issue. It is a combination of things that are hurting this economy and hurting our States and the people we represent.

I come from the State of Michigan. We have already lost many, many jobs in Michigan, about 128,900 manufacturing jobs. Michigan is known as a manufacturing State because of the auto industry. But we have a total job loss of about 336,000 jobs, 128,000 in manufacturing alone.

Michigan continues to struggle. We need some help from the Federal Government; and we have to take a look at our fair trade agreements, as we call them. We also have to take a look at the tax structure in this country and what incentives are there to keep jobs staying here in this country.

Michigan, in the last few years, we have offered close to \$1 billion to try to retain corporations and jobs in my home State of Michigan. Nationwide, we have lost 2.8 million manufacturing jobs. Some analysts, as I believe the gentleman pointed out, believe we may lose as many as 14 million jobs in the U.S., or be at risk of going overseas.

To stop that hemorrhaging of job loss in this country, for whatever reason, the Committee on Ways and Means really should report out the Job Protection Act of 2004, also known as H.R.

3827, a bill with really strong bipartisan support.

Whether you are a Democrat or a Republican, we are seeing these manufacturing jobs leaving this country, so we have put together a bipartisan bill. There are 182 Members who have signed on to a discharge petition. If the chairman of the Committee on Ways and Means does not allow the bill to come before the House for a vote, the only way we can change that is to have 218 Members sign a discharge petition. We have 182 signatures right now.

We would like to see the Job Protection Act of 2004, a strong bipartisan bill, come before the floor. This bill would amend our tax laws to comply with the recent World Trade Organization rulings on the Foreign Sales Corporation benefit.

The Foreign Sales Corporation, that is a tax break for those corporations who sell their product overseas. When they come back to this country, it is not taxed. The World Trade Organization has said that is an unfair subsidy and should cease and desist. So we take care of that situation with the Foreign Sales Corporation, plus there are other tax benefits in there that do not encourage jobs to leave our shore, but actually keep them here in the United States.

It would revitalize our manufacturing base by lowering tax rates on all domestic producers, including small businesses and farms, by 3.5 percent. So as long as we keep it in the United States, keep them producing jobs here, we can lower some of that tax rate by 3.5 percent.

The proposal is fully paid for. We have enough deficits. We do not want to add to the deficit. We pay for this proposal, and it would not increase the deficit. We need to pass this bill, as millions and millions of Americans are relying upon it. Again, it is H.R. 3827, strong bipartisan support. We would like to see the bill moved.

The gentleman from Washington (Mr. SMITH) mentioned Senator KERRY. He has been on this issue. In fact this past weekend, Friday and Saturday, he was in my home State of Michigan. He has put forth a proposal to create jobs and stop the shipping of our jobs overseas.

He basically said, why do we continue to give tax rates to individuals and big multinational corporations in hopes they will create jobs? Why do we not give the tax break after you create the job? Produce and show results of a job, and we can then look at a tax break for your training, for your research, to put those people to work, give you back something for putting them back to work.

We spent a lot of time on manufacturing. Why is that so important? Recent studies have shown that a manufacturing job in this country pays on an average \$44,000 a year. Now, service industry jobs, which we hear a lot about, it is a good profession, but, unfortunately, they are only paying about \$24,000 a year for a job. Then, of

course, you have the retail industry, that pays about \$19,000.

So what happens to these people after they lose their manufacturing job at about \$44,000 a year? Well, there is service industry at about \$23,000, or \$24,000, and then there is the retail industry at about \$19,000. How do you ever make up for that lost income?

So Senator KERRY's plan addresses the problem in the tax system and makes sure we do not reward those companies that ship jobs overseas.

You take the Maytag Corporation. I was in Illinois about 2 years ago. Their profits were up 24 percent. Their profits for the year were \$360 million. That is their profit after paying everything. But still Maytag, which made refrigeration units for refrigerators and freezers, still thought it was so important to go to Mexico, where you pay about \$1.50 an hour; and our Tax Code, which Senator KERRY wants to change, would actually pay them \$30 million in tax credits if they shipped or moved to Mexico.

So, first of all, their profits are \$360 million; they were up 24 percent from the previous year. It is not that they were hurting. But still they felt it necessary to move out of Illinois, probably paying \$15 or \$18 an hour, to Mexico, where they are paying about \$1.50, and then our government is going to give them another \$30 million tax break on top of that. That is just plain wrong.

So Senator KERRY's plan would end these tax breaks that allow these companies to keep their earnings overseas and avoid paying U.S. taxes.

The indefinite deferral of paying taxes amounts to the U.S. taxpayer of about \$8 billion a year to these companies investing abroad. That is according to the conservative American Enterprise Institute.

So think about it. We are using taxpayer money and giving them \$8 billion to invest overseas, plus we are left with people who lost good-paying jobs with no recourse where to go with it. So the taxpayers are paying for them to go invest overseas, plus we have to take care of the unemployed workers.

The tax system has ability in incentive to ship jobs overseas. That has to change. We need to help out manufacturers and small business. Unfortunately, we have just seen the President's budget. We had debate on it last week.

The Manufacturing Extension Partnership Program, which has been used greatly in my district for Horner Flooring up in Dollar Bay, or Jacquart Fabric Products over at Ironwood, Michigan, that was cut by two-thirds. It went from \$111 million to \$39 million. That has helped our people to take care of jobs and try to ship their product overseas. Unfortunately, that program has been cut.

So I think the administration just has it backwards. We have to do something differently. It is not just the free trade agreements; it is the tax incentives built into our Tax Code.

It is also what we call HELP. The State of Michigan has been devastated, as we mentioned, about manufacturing, so we actually put together a program called HELP, which we sent to the Secretary of Commerce, Secretary Evans, and said, look at this proposal.

It is a lengthy proposal, but HELP really means, first, let us address health care needs. Every American should have the right to have health care. You take Ironwood Plastics, a small company up in my district. They were going to expand their plant, but they found their health care costs went up so much in the last 2 years, they cannot add on their plant. In fact, for every product they produce, 42 cents of it is just for fringe benefits; and they do not have lucrative fringe benefits. Health care is probably 60 to 70 percent of that 42 cents on every piece they make. It is just to pay for the health care in this country. We have to get a handle on health care prescription drug costs.

□ 2145

That is the first part of "H" in HELP.

Unemployment compensation. Why is it that past years when we have had these downturns in the economy, in my state of Michigan we are at 6.6 unemployment, some parts of my district fall over 12 percent unemployment. Federal Government works the area with the States. The States have a program. We do 26 weeks of unemployment, but we have always extended it another 13 weeks. Unfortunately, we have not done that.

While people are unemployed through no fault of their own, we should be there to help them out to see them through those rough spots and keep them working and keep their health care going.

Level playing field. The third letter in HELP. "L" for level playing field. On these trade barriers, I am always amazed that we see these trade agreements, take the CAFTA plan, which is the Central America Free Trade Agreement, which will devastate the sugar industry in my State of Michigan, which is a half billion dollar industry, if Central America is allowed to bring their sugar into this country. They all do now. But if one takes down all barriers and it can freely flow into this country, it will wipe out the sugar beet industry in Michigan.

The sad part about that is, while we immediately lower our barriers in this country, it takes about 15 years for other countries to lower their barriers. Plus they put up these artificial trade barriers depending on the value of their currency, the environmental standards, their employment standards of their workers. Why can't we have a level playing field?

If it is truly going to be a global economy, and I was here back in 1993 through the NAFTA debates, which I did not support NAFTA because I felt it would hurt this country overall. But

when you take a look at it, in NAFTA and all the rest of it, if we are going to have a global economy, and that was the buzzword back in 1993, some 11, 12 years ago, then should not we really have global standards on workers' rights, on the environment, how we treat each other's currency so you do not have these artificial trade barriers for our products from the U.S. going to these other countries? So that is the third letter in our help program.

Last but not least, P for pensions. In this country we are funding pensions. Many people feel we are overfunding them. Some are underfunded. But we have to look at pension reform. There has been a bill that we tried to pass out of the House. It has been stuck in the Senate. We can do some work here and make this pension system fair to the workers, guarantee the benefit, but at the same time allow the companies to use it for research and development. That would free up some money so they can do their research, development, and investment in their countries. It just makes sense.

Training. We have to invest in this country. So there are so many needs, and one can just see what happens and in State after State, whether it is Washington, Florida, or Michigan.

Just one more: Electrolux, which was really a sort of French company that had been in Michigan for many, many years, besides making great vacuum cleaners, they also did refrigeration. They just announced it is closing its doors and going to Mexico also. It will cost Michigan 2,700 jobs.

We are losing about 2,000 jobs in Michigan just in the manufacturing section. Our governor, who is very concerned about it, has put together an aggressive manufacturing agenda to try to help companies. Our governor even offered Electrolux a new \$30 million building, \$182 million in tax credit, including a Renaissance Zone that would allow the company to operate virtually free of State and local taxes for up to 20 years.

There was even changes from the United Auto Workers that they said, look, we do not want to lose these jobs. It is good-paying jobs. We will change our labor agreement. We will give about \$31 million in concessions. But still the company still saw it lucrative to go to Mexico with the tax breaks they would get from the U.S. taxpayers and the low-wage-paying jobs in Mexico.

Electrolux was a very profitable company. It pays \$13 to \$15 an hour plus benefits, and that included health care to its employees. So why are they moving? Because they can go down to Mexico and pay people \$1.57 an hour.

Like I said, Michigan has lost about 128,900 manufacturing jobs since January of 2001. We have a total job loss in our State of 335,868 in Michigan, despite offering almost \$1 billion in tax incentives for companies to stay.

So I am pleased to join with the gentleman from Washington (Mr. SMITH)

tonight. I think my colleague said it best earlier when he said it is not just trade agreements, there are tax issues, there are employment issues, there are a number of issues we should tackle as a Congress.

I will go back and just repeat that. The Job Protection Act of 2004, H.R. 3827, a bipartisan bill. We have 182 Members who signed a discharge petition. I wish the majority in this Congress would allow to us bring that bill to the floor. If the majority party, the Republican party, want to vote against it, that is certainly their right. But at this critical time in our Nation's history, manufacturing jobs leaving, why cannot we have a good debate on the issue?

Maybe this tax break is not quite right. I am not saying we have all the answers, but let us at least get a debate going. Let us exchange ideas. Because we have to look at trade agreements, Tax Code, and other incentives we have out there that encourage people to leave offshore or go offshore with their corporations.

So I stand with Senator KERRY and my colleagues tonight and we look forward to a day when we invest in companies for keeping jobs here in the United States and not shipping them overseas, providing health care for all our workers so it is not such a burden on just strictly the employer, and reexamine these trade laws and make sure we all play by the same rules.

America can compete with anybody anywhere in this world. We are just looking for a level, fair, playing surface on trade agreements.

I thank the gentleman from Washington (Mr. SMITH) for once again yielding. I thank him again for stepping forth and organizing this special order tonight. It is always a pleasure to join with the gentleman and look forward to working with him on this and other issues in the future.

Mr. SMITH of Washington. Mr. Speaker, I want to thank the gentleman from Michigan (Mr. STUPAK) for his remarks, and I do agree, as I said, that we need to be more aggressive about enforcing our trade agreements.

I will point out I am actually fairly familiar with the CAFTA trade agreement, and it does not have the affect on sugar you describe. It raises the quotas for sugar from Central America by less than 5 percent over what they currently are and it is, in fact, spread out over 15 years.

So if my colleague looks at the details of CAFTA, sugar, corn, a variety of different issues, it is a pretty level playing field on both of those. It does not dramatically increase the quotas on sugar coming from Central America.

So I would urge my colleague to take a closer look at that and assure your folks in the Michigan sugar beet industry that they are going to be just fine with regard to that particular agreement.

Mr. STUPAK. Mr. Speaker, if the gentleman would yield on that one.

Our sugar producers and the Michigan Farm Bureau have come out against it because we do not have that big of a sugar industry. It is only a \$500 million industry. But they feel with it coming in, and my colleague is right, over 15 years, the barriers would fall down. That would just about do the end of our sugar in Michigan.

Mr. SMITH of Washington. Mr. Speaker, that cannot possibly be true. I would be happy to take a look at it, but it is not just over 15 years. At the end of 15 years the quotas are still there. They are just slightly larger than they are now. It does not even get rid of them.

So sugar was very important to me, and I was actually in conversations with Ambassador Zelik and others while they were negotiating that.

Mr. STUPAK. Mr. Speaker, I hope my colleague is right on that issue because we are concerned about it in Michigan. We look forward to my colleague's leadership on that issue to make sure we preserve our sugar industry in Michigan.

Mr. SMITH of Washington. Mr. Speaker, absolutely. We have a sugar industry throughout the U.S.

Mr. Speaker, I want to now yield to my colleague from my State, our State, I should say, the gentleman from the great State of Washington (Mr. INSLEE) from the first district who is the cosponsor with me on the TAA bill to expand trade adjustment assistance for service sector employees and expand it in other areas as well.

Mr. INSLEE. Mr. Speaker, I thank my colleague for yielding.

I want to make a couple points before I address the specifics of this trade adjustment which I really think is great, not a panacea but certainly one of the things we need to do that address this problem. But I want to make two points about why legislation like this is necessary right now, and that is that two I think interesting facts that demonstrate why Congress needs to act now and the administration needs to follow us in doing so.

That is the unemployment, the job loss that we have suffered in the last 3 years is actually understated. A lot of folks have heard now a familiar number that we have lost about 2.2 million jobs in the last 3 years which is a greater job loss than any other time since Herbert Hoover was President of the United States. But that number is really kind of a fake number, and the reason is that it fails to take into account the jobs that should have been created under any sort of normal rate of economic growth. The truth is we have lost specifically about 2.2 million jobs, but if we had just grown jobs to keep pace with the rate of population increase, we would have actually grown four and a half million jobs if we had only kept pace with the population increase in the United States in the last 3 years.

So it is not that we have lost 2.2 million jobs, sort of behind the curve by

2.2 million Americans that are out of work. It is actually closer to 7 million. So the job deficit, along with the largest Federal deficit in American history, we now have the largest job deficit in the last 50 years.

Mr. SMITH of Washington. Mr. Speaker, if the gentleman would yield, because that is a point I found interesting. When the President has proposed his tax cuts, for 3 years he has talked about the number of jobs he is going to create. The figure that he used for the tax cut that was passed was 1.2 million. He has fallen way short of at this point, I think it is about 400,000. But in making that proposal it is interesting that he assumes that, absent that tax cut, no jobs would be created, which flies in the face of history. Obviously, some jobs were going to be created.

As the gentleman points out, after we did this supply side tax cut for people at the high end of the scale, we actually created less jobs than economists tell us we would have created if we had done nothing. So it is worse than just not doing what he said it was going to do. It seems to be having a negative impact.

Mr. INSLEE. Mr. Speaker, that is another way of basically saying we have had no meaningful job creation for the last 3 years. So we have a \$7 million job deficit and we basically had an experiment and that experiment failed. The President basically said these very large tax cuts for the wealthiest among us, those who are over \$200,000 a year, we are going to create millions of jobs. It failed even to keep pace with just population growth.

There is four and a half million jobs missing that should have been there just to keep pace with population growth, and then there are 2.2 million jobs lost on top of that. So we are in a deep, deep hole; and whatever we are going to say, if we add one job now, we are still at the bottom of the well. So maybe we are one inch off the bottom of a 7 million foot well, if you will. We have got a long ways to go.

Second point is the reason Congress needs to act now is that these figures belie the severity in the length of this unemployment. Because we have over 2 million people who are unemployed tonight who have been unemployed for more than 6 months. That is the longest period and the largest number of people who have been unemployed over 6 months for over 50 years in America.

So not only are people not even counted in the unemployment insurance statistics because they have given up looking for work, those who are still on there we have the longest period of long-term unemployment in the last 50 years.

So I just want to point out those two points that we need to take into consideration whether we are going to act or not boldly and aggressively. And we think we should.

So one of the ideas, and this is not the only idea that we need to pursue,

but we need to bring our trade adjustment assistance for Members up to speed with what is going on in the U.S. economy. We, and I am sure the gentleman has talked about this, have had a program to help people who have lost jobs that are associated with the dynamics of trade in manufacturing now for some period of time.

We have seen in Seattle a great success with that program. We have seen hundreds of folks, if not thousands, in Boeing who several years ago during the downturn availed themselves of the benefit of this program to get retraining. I have talked to any number of those. It is not 100 percent, but any number of these folks have been successful in finding other careers with retraining.

But now we have this phenomenon in the service sector, computer programming, accounting, in radiological services, in call centers. Now the service sector employees are experiencing the dynamics of trade. We simply have to bring this up to speed to this century's challenges that exist.

Our bill will do that. It will simply say that people in the service sector who lose jobs associated with the dynamics of trade are going to have an assistance from Uncle Sam. It is a pretty simple commitment that Uncle Sam ought to fulfill. We hope that the administration will embrace this idea.

And I will share one piece of good news. I serve on the President's Export Council, which is a group appointed essentially to advise the executive branch on export policies and trade policies.

□ 2200

It is a group of a lot of high-level executives of major corporations at General Motors, Intel, Boeing, a couple of Members of Congress; and last week, we met and this group sort of unanimously concluded that this idea of the extension of trade adjustment authority to service personnel should be pursued, and that will go to the President as a formal recommendation of this group here in the near future.

So we are hopeful that the administration and our Republican colleagues will join us in this very commonsense measure to help Americans get back on their feet, and we do not want to hear that we cannot do this for fiscal reasons, for two reasons; and there is a fiscal impact for this obviously, and we should be totally responsible in addressing that fiscal impact, but we believe that in the long term this is fiscally responsible to do because these folks are going to get back to work, they are going to get off the unemployment rolls, and they are going to start creating wealth and profits and wages and taxes themselves. This is a fiscally responsible thing to do, is we get people back to work. Over the long term it does not create the deficit; it helps to ameliorate it.

In addition, we think there are some future tax cuts for those earning over

\$200,000, which on a scale is not as important as the fact as getting these thousands of people who may have lost these jobs to folks in other countries due to trade. They have a higher claim on America's assistance right now, and they will be much more productive for the U.S. economy as well, and so we think this is a fiscally responsible approach; and we hope our Republican colleagues will join us.

There is one other thing that this bill will do. You may have talked about this already, but I want to allude to it. There are some imperfections in the existing trade adjustment bill, one of which would not kick in assistance for Americans except that they lost their job, at least the presumption is a country that we already had free trade agreement with. That is an artifact of history that we had to cure because if you are out of work, frankly it does not make a difference to your creditors whether you are out of work, losing a job to someone Uncle Sam has a free trade agreement with or not. So we hope to fix that in the long term.

The bottom line is, as the trade world has changed, as the economy has changed, Congress needs to change our provision for Americans to get retrained; and this is a fundamentally sound, fair, fiscal way to do it, and we are hoping that ultimately this becomes a bipartisan effort.

Unfortunately, we have not had our colleagues across the aisle coming in droves to join this, and that frankly is disappointing because anyone ought to understand when you are out of work and your job's been shipped to another country, and your mortgage still needs paying and your child's college education tuition still needs paying, it should not be a Republican or Democrat position the fact that we ought to help you get retrained, and we ought to recognize for those of us who recognize the value of trade, and I count myself among those who come from a very trade-dependent part of the world. The State of Washington is one of the trade-dependent parts of the country. We recognize the value of trade, selling Boeing planes to India, selling Microsoft software to China. We understand the value of trade, but those who care about trade have to recognize that there are dynamics of trade and people are discomfited and there are job losses associated with trade, and we need to create a lifetime learning situation where, as trade creates dynamic changes in the job market, we need to guarantee Americans the ability to get back on their feet and become retrained, and that is one part of that support system that I hope that we will pass.

Mr. SMITH of Washington. I thank the gentleman for his help on this issue. You worked very closely on it, and I thank you for your leadership.

I want to close off the debate, and we do not have anymore speakers for our hour, which is almost up, by emphasizing the point the gentleman from

Washington (Mr. INSLEE) made about the cost and some of the choices involved. It is interesting, business leaders throughout this country have come together and agreed with a lot of the items we have talked about tonight, agreed with the importance of education, the importance of job training, the importance of investment in research and development, the importance of another item we have not talked about, which is an investment in infrastructure, a building of roads and improving our energy system so that we can have a sustainable strong economy; and they know we need to do those things, and they consistently advocate for them and I appreciate that support.

But it is also tied into the issue of how do we pay for these things, and as the gentleman from Washington (Mr. INSLEE) pointed out, the tax cut choice. We have heard a lot already in this campaign about taxes and tax cuts; and the general approach of the President and his party is that, look, any tax cut there is has to be lower, anyone who is for higher taxes is by definition not worth being elected, but we have to take a step back and look at this in terms of choices, and take a look at those issues that I just talked about, the business leaders and many Republicans say they support, funding for education, funding for job training, funding for infrastructure.

There is the little problem of paying for these things, and we have to look at the choice that is being presented. The President wants to make his tax cut permanent, all of his tax cut, including the portion of that tax cut which is a pretty substantial portion of it that goes to people making over \$200,000 a year, also the portions of the tax cut that go to people who are paid dividends; and, yes, I know average Americans earn some dividends, too. If you look at the percentage of where dividend income goes, it goes almost entirely, 75 to 80 to 90 percent, to people again making a great deal of money; and I understand the philosophy behind that, give these people money, they will invest and everything will be fine.

It has not quite worked over the course of the last 3 years at this point, but more importantly it is a matter of choices. If the business community, other folks out there, want us to make that investment in education, job training and research and infrastructure, there has got to be some money left somewhere to do that; and when we are sitting here with an over-\$400 billion deficit due this year to pile on top of a \$7 trillion debt, to say that we are going to make the tax cuts permanent at the cost of somewhere around 2 to \$3 trillion, over the course of the 10-year period, and still make these investments in our workers, an investment in our economy, it does not add up.

It is a matter of choices, what is the best investment of that money. Is it really best to make sure that the top tax rate for people who make, it is

about \$250,000 before you hit that top tax rate, goes down from 39 to 35 percent? It goes down to 4, I guess, critical percentage points. Or is it best to take some of that money to get us back towards fiscal responsibility and to get us back towards making an investment in our workers that they can fairly compete? Looked at in that context, I think it is a pretty obvious choice; and I hope that we will make those choices.

We absolutely need tax cuts. Senator KERRY supports a number of tax cuts targeted to the middle class, the child tax credit, elimination of the marriage tax penalty, a number of different issues; but, absolutely, we have got to give those tax cuts to hardworking Americans.

When you look at the total package of tax cuts, these are some choices we can make to better invest in our workers and better invest in our country. We hope that we can make those choices so that we can deal with the challenges we face from outsourcing, from offshore, so that American workers can have that level playing field, can have that opportunity to grow our economy and to benefit from that growth.

I thank you very much for the time.

PAKISTAN NAMED MAJOR NON-NATO ALLY

The SPEAKER pro tempore (Mr. CARTER). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise on the House floor this evening to discuss Pakistan's recent designation as a major non-NATO ally.

Last week, Secretary of State Colin Powell visited India and Pakistan to support the efforts that have been made by both nations to seek peace. For the first time in decades, relations between India and Pakistan were easing; and as a result, confidence-building measures were being established, such as transportation across the border and cricket games between the two countries.

Although both countries are on a slow, yet steady, path for improved economic defense and political relations, unfortunately that balance has been damaged, in my opinion, by the Bush administration's favorable treatment of Pakistan in naming it a major non-NATO ally.

Mr. Speaker, although we have advocated for the U.S. to view India and Pakistan as two separate, distinct nations, at the same time we have advocated for fair treatment based on record of democracy, commitment to ending terrorism, and a variety of values important to the United States. India is a strong, vibrant democracy of over 50 years, and Pakistan is a rogue nation under military rule. India's nuclear program is civilian controlled, and Pakistan's nuclear program was sold to nations such as Libya, Iran, and

North Korea to assist illegal, covert nuclear weapons programs. India is protecting its citizens from terrorism in Kashmir, and Pakistan has sponsored terrorist activity in its own backyard.

It seems clear that the U.S. and India are natural allies based on our shared values. The reason why the U.S. and Pakistan are now allies is a result of the shared effort to end global terrorism. However, based on all the reasons I just stated above, I am taken aback by the new designation that the U.S. has bestowed upon Pakistan as a major non-NATO ally. Not only was I surprised, but India as a nation was surprised as well. Secretary Powell had just met with India's leaders, but he did not mention the new status of Pakistan that was soon to be announced.

Naming Pakistan a major non-NATO ally is completely inconsistent with U.S. policies. Pakistan is not a democratic nation. Pakistan supports terrorism in Kashmir, and Pakistan has engaged in nuclear activity for which it has recently pardoned a key scientist who aided covert nuclear programs to rogue nations. The result of this new designation, I think, has the potential to be devastating.

Not only was India surprised and disappointed, but further, Pakistan's new role will lead to severe implications in the South Asia region. It is unclear what the title "major non-NATO ally" means and what it means in legal terms, but the most immediate concern is that a rapid and large-scale supply of American military equipment could flow from the United States to Pakistan, including the possibility of F-16s. In accordance with the Pressler amendment of 1990, Pakistan was not afforded major military supplies until post-9/11, in which case specific counterterrorism supplies had been provided.

But this is very concerning because U.S. military supplies given to Pakistan for use against Russia and China have been historically used against India. Given the current climate of the conflict between India and Pakistan over Kashmir, any additional weapons provided to Pakistan will likely be used to escalate this conflict between the two nations and has the potential to build up a full-scale arms war.

In addition, this new designation has the impetus for breaking down negotiations in peace talks between the two nations that have just gotten underway. Pakistan's newly established access to U.S. military supplies could serve as an impediment to any further Indo-Pakistani talks.

Mr. Speaker, I cannot understand why the U.S. has afforded Pakistan this major non-NATO ally status. Pakistan has a history of abusing military and nuclear equipment, and yet we are allowing them to have access to depleted uranium ammunition, special privilege in bidding for certain U.S. Government contracts, radar systems, attack helicopters, and airborne early warning systems.

In exchange for Pakistan's assistance to the U.S. in the war against terrorism, the U.S. has already allocated \$3 billion worth of assistance, half of which is directed toward Pakistan to buy military equipment from the United States. The Bush administration must reevaluate their policies towards Pakistan. The new designation of major non-NATO ally is unfair, inappropriate and, most importantly, in my opinion, dangerous given the volatile nature of the South Asia region.

FOREIGN POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, in this country, in this city, sometimes the American media just does not get it. Tonight I rise to lay in the CONGRESSIONAL RECORD and for the American people two stories that have not gotten the attention they deserve regarding foreign policy and regarding the actions of two nations in two regions that are extremely important to the security of America and the world.

The first, Mr. Speaker, involves Serbia. Mr. Speaker, this nation went to war and for the first and only time convinced our NATO allies to use NATO as an offensive military entity to invade a non-NATO country in 1999 to remove a sitting head of state, Milosevic, from office for war crimes for which he is now being tried.

Mr. Speaker, I rise tonight not to question whether or not Milosevic committed war crimes. I am convinced that he did, that he committed ethnic cleansing and that he did unthinkable harm to individual people in the former Yugoslavia.

He is now being held accountable for his actions in a trial that has been going on for several years; but, Mr. Speaker, we cannot have a double standard, and this is what we have today, Mr. Speaker.

□ 2215

Mr. WELDON of Pennsylvania. Mr. Speaker, when we invaded Serbia and we went in with our military and the NATO military, I did not support the President's actions, as did many of our colleagues in this body. Not because I felt support for Milosevic, but because I was convinced we had not allowed Russia to play the role that they could have and should have played in getting Milosevic to agree to the terms that the NATO and other nations wanted after the meetings at Rambouillet, and I said so publicly. It was not that those of us who opposed President Clinton supported Milosevic, but rather that we thought there was a better way that would have avoided the kind of atrocities that were committed by our own bombing in Belgrade and other cities in the former Yugoslavia. But the fact is that we did bomb that country, and we continued it for a matter of weeks.

In fact, Mr. Speaker, I was the one who assembled a delegation of 10 of our colleagues and myself, five Democrats, all supporters of President Clinton, and five Republicans to travel to Vienna after having discussed with Strobe Talbot, the number two person at the State Department, the offer of the Russians to me to help Russia play a role in resolving the crisis in Yugoslavia on the terms that the U.S. and NATO wanted. I also, Mr. Speaker, had access to a memo that had been prepared secretly by Strobe Talbot, which was briefed to both Sandy Berger and Vice President Gore. So I knew what the policy of the U.S. was with regard to Russia's involvement. And I also knew full well that we were not giving Russia the opportunity to play the kind of constructive role that it could have and should have.

Our meetings in Vienna with five Russian leaders and 11 American leaders resulted, over 2 days, in a framework that allowed the Russians and the Americans to come to an agreement and to agree concurrently that Milosevic had committed ethnic cleansing; that the armed Serbs should be withdrawn from Kosovo; that there should be a multinational force brought in. All of those conditions were what basically the Russians, when they were finally brought in several weeks later, were able to bring to the table to help us end that war.

Now, we were told, Mr. Speaker, that the ending of the war would end the ethnic cleansing. And, boy, were we wrong. The media blasted headlines all over the world with Milosevic's actions, and they still blast the actions of this war criminal and his ethnic cleansing. Where is the media today, Mr. Speaker? Where are the front-page stories in our major newspapers about the ethnic cleansing that took place aimed specifically at Serbs in the last week?

On the March 17, Mr. Speaker, a massive campaign of ethnic violence was carried out against Kosovo Serbs and other non-Albanians that continued for several days. These efforts were carefully planned, orchestrated, and coordinated by the leadership structures of the Kosovo Albanians, and they are unacceptable. Mr. Speaker, the estimates are that tens of thousands of Kosovo Albanians participated in the pogrom which resulted in the destruction of 90 percent of Kosovo's remaining predominantly Serb areas.

Mr. Speaker, 800-year-old churches and monasteries were destroyed. In total, 35 Christian holy sites were decimated. And even though they attempted to avoid personal atrocities against individuals, 31 Serbs were killed. Where is the outrage, Mr. Speaker? Where is the outrage that we saw from President Clinton in 1999 and Madeleine Albright? I have not seen former President Clinton or Madeleine Albright giving speeches today about the ethnic cleansing that was conducted against innocent Serbs, that

were supposedly going to have their freedom and their own safety protected by the U.N. forces, including Americans working in Kosovo. In fact, Mr. Speaker, this entire incident needs the full attention of this Congress, this government and the United Nations, as well as NATO.

There have been suggestions, Mr. Speaker, that there are ties between what occurred beginning on March 17 with al Qaeda, Hamas, the Albanian National Army, and Abu Bakr Sadik, among others. These ties need to be investigated fully. The campaign of ethnic cleansing that just took place against Serbs was conducted in such a way as to result in a little loss of life, although 31 people is significant, but with maximum material and psychological damage.

Why would that take place, Mr. Speaker? Because at a time when America and the world's attention is focused on Iraq and Afghanistan and other parts of the world, there are those with the ties to the groups I just mentioned who saw an opportunity to ethnically cleanse Kosovo, so that at some point in time down the road the position could be made that this nation no longer really has a significant Serbian population.

Mr. Speaker, where is the outrage from America? Where is the story from the American media about what happened in Serbia or in Kosovo last week? Are not the deaths of 31 innocent civilians, is not the burning of major religious institutions a story that deserves national focus in this country? We went to war, Mr. Speaker, in 1999. We went to war, and in fact we used NATO for the first and only time ever in an offensive military mode to remove Milosevic because of ethnic cleansing. Where is our outrage today with the ethnic cleansing that occurred last week against innocent Serbs? The attacks continued unabated for several days. In fact, in some cases they got worse as the attackers went in to all the Serbian enclaves.

Where was the protection that these people were guaranteed when the war ended and President Clinton told us that we had been able to rid the world of a dictator who had committed ethnic cleansing? Where was the protection for the destruction not just of the churches but of the electrical grid system and the damage to the mobile phone relay stations? Where was the protection for the Serbs, the Kosovo Serbs who attempted to seek shelter in churches and monasteries, but were prevented from being able to do so because those very churches and monasteries were the explicit objects of attack?

The estimates are, Mr. Speaker, that as many as 50,000 Kosovo Albanians were involved in this action. Is the world going to sit by and allow this kind of atrocity to occur? Is America going to pass some modest resolution that calls ethnic cleansing wrong? We did not do that in 1999, Mr. Speaker,

when we had evidence there was ethnic cleansing. All of us spoke out against it. When we went to Vienna and met with our Russian counterparts, 11 of us, we had in-depth discussions that resulted in the Russian delegates from the major political factions agreeing with us that ethnic cleansing had occurred.

Where is that same message today, Mr. Speaker? Why are our colleagues and why is the American media not demanding that the world do something about the ethnic cleansing that was perpetrated against innocent Serbs last week? And where are the investigations into the linkages of terrorist organizations that were allegedly involved in this activity?

Mr. Speaker, the reputation of America, the U.N. and NATO are all on the line right now. We talked a good game in 1999. We stood together. Even though we disagreed on the method of removing Milosevic and the ethnic cleansing, we stood together as a Nation, Democrats and Republicans, and we said ethnic cleansing was wrong. Does the silence in this body today mean that ethnic cleansing is okay because it is not being led by one person like Milosevic?

The Kosovo Albanians must be held accountable, Mr. Speaker. We must not let them off the hook. Ethnic cleansing is wrong, whether it is done by Serbs or whether it is done by Kosovo Albanians; and this Nation must stand up and shout out that message loud and clear. And if there was involvement by terrorist groups like Hamas and al Qaeda, then we need to know that.

Mr. Speaker, many people around the world have spoken out on this violence. I want to quote a few, just so that my colleagues will understand that those closest to the situation fully understand what happened. This is not Congressman CURT WELDON alone making this claim.

In fact, let me quote Admiral Gregory Johnson, CINSOUTH commander, United States Naval Forces, Europe. This was his quote: "This kind of activity actually almost amounts to ethnic cleansing, and it cannot go on. That's why we came here in the first place." That is from our own Admiral Johnson, referring again to the term "ethnic cleansing."

NATO Secretary-General Jaap de Hoo Scheffer: "What happened last week, orchestrated and organized by extremist factions in the Albanian community, is unacceptable."

Javier Solana, General Secretary of the EU Council and High Representative for the EU's Common Foreign and Security Policy: "It's sad to see schools destroyed and children evacuated, people killed, and homes burnt. This is something which can't be tolerated. I'm shocked at the brutality, the destruction of schools, preventing children from being educated, the destruction of churches in which people only want to pray. Serbs are brave and must stay here. They must try to rebuild

their homes, and we will help them with that. I'm leaving with a lot less optimism than when I came. I regret that tomorrow I will tell the EU Council of Ministers what I saw and heard here and that a huge amount of time was wasted here."

Mr. Speaker, this was last week, not 1999, when we went to war. Where's the outrage in America today over the ethnic cleansing and the killing that just occurred in Kosovo?

Soloman Passy, OSCE Chairman-in-Office: "This isn't about a chance happening, about Albanian extremist elements stirred up the violence."

Derek Chappell, UNMIK spokesman: "There has been violence in Kosovo before, but this time it's coordinated action. The violence erupted in a number of places at the same time, which shows that it was planned in advance."

Vladimir Putin, President of the Russian Federation: "This is ethnic cleansing. Even our Western colleagues accept that this is nothing other than ethnic cleansing. It is essential that there be a responsibly strong reaction in order to protect the Kosovo Serbs."

Mr. Speaker, I led the delegation to Vienna to convince the leaders of the Russian factions that they should admit that Milosevic had been involved in ethnic cleansing. I will not stand by and allow now the Russians to see the hypocrisy in America when we will not call the same actions by the Kosovo Albanians ethnic cleansing. That is what it was. That is what it is, and it must be called; it must be called into play. There must be a full and complete investigation, and those individuals responsible and involved must be held accountable.

I understand there are those making the rounds on the Hill this week and last week to try to cover up what occurred, to try to explain it away. You cannot explain away, Mr. Speaker, 31 deaths. You cannot explain away all the churches that were burned. You cannot explain away what the ultimate agenda was: to remove any presence of ethnic Serbs in Kosovo.

□ 2230

Mr. Speaker, the world needs to be consistent. The U.N., NATO, the U.S. and all of our allies must stand with the people of both Kosovo and Serbia for a consistent stand against ethnic cleansing, whoever may be the perpetrator. In this case, we have not done that, and it is wrong. An orchestrated campaign of ethnic cleansing must not be rewarded politically, and I will use my voice and will speak to our colleagues this week in encouraging a full and complete investigation of what occurred last week.

I will also, Mr. Speaker, ask and demand that the commitments that we made in the former Yugoslavia be followed up. In my visits to Serbia, to Belgrade, we have not carried out the promises that we made as a Nation to the people once Milosevic was removed from office, and that is unacceptable.

Mr. Speaker, I would hope that the media and Members of this body would focus on the plight of the innocent Serbian people who last week were dealt a very severe blow. Those Kosovo Serbs who were simply attempting to live in their enclaves were attacked, their institutions were destroyed and ethnic cleansing was done by those very people who cried ethnic cleansing back in 1999. This cannot be allowed to stand.

Mr. Speaker, the second story that has not been fully covered by the American media except for perhaps one newspaper, the Washington Times, is what occurred in Libya less than 1 month ago. Mr. Speaker, the President of the United States deserves significant credit for a story that has largely gone unreported in the mainstream American media. I did not see headlines on our national newspapers about what happened in Libya. I did not see headlines about the 90-minute speech that Muammar Qaddafi gave to his people on March 2. And so tonight, Mr. Speaker, I also want to talk about the untold story of Libya.

Mr. Speaker, approximately 8 months ago, after having helped form the International Energy Advisory Council made up of private energy corporations around the world, I was told by the representative of Libya, Abdul Majid Al-Mansouri, who is today here in Washington, that Libya was about ready to complete a major turnaround. I was intrigued. I asked to learn more. He told me that Qaddafi's son, Saif Islam Al-Qaddafi, wanted to meet with me and that if I came to London in October for a meeting of the International Energy Advisory Council, I could listen to Saif Islam Al-Qaddafi tell me the story of the change that was about to occur in Libya.

I could not make that trip in October, Mr. Speaker, but I did meet with Saif Islam Al-Qaddafi in January. We met for 3 hours and this young, 31-year-old, London-educated Ph.D. candidate in economics told me that his father was in the midst of a massive turnaround of this nation. Libya, which we have not had contact with for 29 years and which has been a major source of terrorism around the world, was about ready to change in a very dramatic way.

I was intrigued when Saif Islam Al-Qaddafi told me the story in the meeting that we had, and I said I was interested in potentially taking a delegation of our colleagues to visit with Qaddafi himself. While meeting with Saif, he made a cellular phone call and came back and said, you're going to be invited into Tripoli within the next several days.

Two days later, Mr. Speaker, a letter arrived from the Libyan parliament, the People's Congress, of what they call the Jamahiriya, their form of government, they call it a democracy, and that letter invited me to bring a delegation into Tripoli to visit.

Working with the military and assembling a bipartisan delegation of our

colleagues, as I always do, seven of us left Washington to visit Libya and then on to visit our troops in Iraq and Afghanistan and spending a night at our military medical hospital at the military Air Force base in Ramstein, Germany. In fact, we brought 12 of our injured military personnel back home to America.

We spent 2 days in Tripoli, Mr. Speaker, 14 meetings in two days. We visited all the top officials of the country: Prime Minister Ghanem, the foreign minister, the minister in charge of removing weapons of mass destruction from Libya. We met with the leadership of Al Fateh University, a university with 75,000 students. We met with the leadership of the Qaddafi Foundation, which is now settling the claims of the families of the victims of the Lockerbie downing, that terrible tragedy that occurred, killing over 100 American citizens; and we met with Qaddafi himself.

We also traveled through the marketplace unannounced to gauge what the response of the Libyans would be to our visit. We had been told by officials at the National Security Council here in America that we would not be welcomed, the American flag would not be welcomed. Nothing could have been further from the truth. The reception was warm, and the attitude of every Libyan citizen that we met was positive. When they found out we were Americans, they put their hands out to shake our hands, they hugged us, and they thanked us for coming.

Our meeting with Qaddafi was held in his tent, across the field filled with camels from his home that we had bombed in 1986. The home is still in the same shape that it was back then, with the furniture and the holes in the walls exactly as it was after the bombing, which, as we all know, killed his year-and-a-half-old daughter.

The meeting with Qaddafi in the tent was a difficult one for those of us on the delegation because no one had met with Qaddafi from America. No one had been in Libya from America for 29 years. We were the first.

When we met with Qaddafi, we told him that we were glad to be invited there. We were happy that his statements were such that he was renouncing terrorism and had pledged to give up his weapons of mass destruction and that we would judge him not by his words but by his actions.

We also told him, Mr. Speaker, that we would never forgive and never forget what Qaddafi and the Libyans had done in helping to support terrorism around the world, especially the bombing of Pan Am 103 and the bombing in a Berlin nightclub that killed two young American GIs. But we told him that if he did what he said he was going to do in removing weapons of mass destruction, then our government would move quickly to establish a new direction in our relationship.

Our trip was a successful trip, Mr. Speaker, so much so that as we left

Libya that first trip back in early February I was invited to come back on March 2 and deliver a speech to the people of Libya at the 27th session of what they call the great Jamahiriya, the assemblage of the leadership of the governing bodies throughout the country. Again we assembled a bipartisan delegation, and this time I called Senator JOE BIDEN and asked him if he would join us to have both bodies and both parties involved. He agreed, Mr. Speaker, but could not be with us on our plane so was provided a separate plane by the White House and landed the day that we were leaving, although we waited to greet him at the airport terminal to give him a briefing on Qaddafi's speech.

On our trip to Libya the second time, Mr. Speaker, we spent a day in Tripoli. We went back to Al Fateh University. We met with the students. We were in classrooms. We met with the faculty, the deans. We met with the Libyan Foundation. They told us about their plans for a massive human rights campaign. They explained to us their efforts to move Libya back into the family of nations. They talked about their efforts to deal with health care issues like AIDS. They talked about the Red Crescent and their attempt to bring Libya into the fold of the International Red Cross. They talked about Libya's efforts to deal with the human rights concerns of all Libyan people.

We thanked them for their time and then moved on the next day to Sirte, the city where Qaddafi is from. In Sirte 2 days earlier, the leaders of the 53 African nations had assembled for meetings about the unity of Africa with Libya in a leadership role. When visiting Sirte, we were taken out to the site of one of the largest manmade construction projects in the world, the project that Libya has been undertaking for over 20 years, to build the largest manmade river on the face of the earth, some 7,000 kilometers. This manmade river, in concrete pipes that are 12 feet in diameter, is supplying water to areas of the desert to convert them into arable usage for agriculture and farming and for the people to live on.

While we were there meeting with officials from all over the world, from the African nations, Europe, the Far East, China, South America, Central America, the Middle East, we prepared for the evening event, the opening session of the great Jamahiriya. We were ushered into the auditorium that probably seated 1,000 people, Mr. Speaker, and in that auditorium were 600 members of the elected bodies of the government of Libya, representing small towns, large cities, trade groups, educators, and a diverse section of the Libyan population. Some were dressed in traditional attire. Others were dressed in western dress, all of them sitting waiting for the speakers to begin the opening session. Over 100 countries were there, Mr. Speaker, leaders of the foreign ministries, ambassadors, for-

eign ministers themselves and parliamentary heads.

They brought our delegation in, Mr. Speaker, and placed the American Members of Congress in the front row for all to see. The session began with speeches by the Speaker of the Libyan parliament. That was followed by a speech from a female leader of the Libyan parliament who talked about women's issues in Libya. And then we had a speaker from the European parliament, the Egyptian government, the French parliament and several other countries from around the world.

Within about 30 minutes, Mr. Speaker, I was introduced to speak on behalf of our delegation. I spoke for approximately 15 minutes, beginning and ending my comments with Arabic to show some sensitivity to these people who we had considered our enemy for 29 years.

When I finished my speech and sat down, another speaker spoke for 2 or 3 minutes, and then Colonel Qaddafi himself was introduced. Mr. Speaker, the fireside chat, because that is what it was, it was not really a speech, there were no notes, the fireside chat that Muammar Qaddafi gave on live TV throughout Libya that night carried by Al-Jazeera but by no western media source, not one TV station, not CNN, not Fox, not ABC, NBC, CBS, none of them, but carried live throughout the Arab world, especially in Libya, was a speech that I equated with, at the end, the tearing down of the Berlin Wall and the event that eventful day in Moscow back in 1992 when President Boris Yeltsin stood atop the tank outside the Moscow White House surrounded by 100,000 Russian people and he proclaimed that communism was dead, that the Soviet Union was no longer a nation.

This speech was of equal importance because, for 90 minutes, Muammar Qaddafi, the symbol of terrorism throughout the world, the individual who funded the IRA in Ireland, who funded the Sandinistas in Nicaragua, who funded the radical Palestinians and who openly admitted that to his people that night, this speaker told his people that he had been wrong for 25 years. He sat there and he said, we supported all of these terrorist groups. We supported them with our money and with our efforts. And what did it get us? It got us isolation. It got us constant rebuke by nations of the West, Europe, America, and other nations around the world. It brought us sanctions by the U.N. and by America. It isolated us and our economy.

He went on to say, we were a major supporter of Nelson Mandela in South Africa when he was imprisoned. But when Nelson Mandela came out of prison, he became a best friend of America.

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He said, How can Nelson Mandela, the man we supported, be a best friend of America and we be America's enemy? He said, There is something wrong.

As we sat there listening along with our European and other friends from around the world, our mouths were open. We could not believe the words he was saying to his own people. He referred to our delegation in the room at least five times; and he said, We are happy to have the Americans here for the first time in 3 decades. But he said, My speech and my decision is not because of the Americans alone. It is because we have decided that what is best for Libya and its people is to destroy and get rid of all of our weapons of mass destruction.

And so to his people, after admitting that he had been wrong for 25 years in supporting terrorism, Moammar Kadafi said, We no longer want any weapons of mass destruction; and we are giving it all up to the British, to the Americans, to the U.N.

And, in fact, they have done that, Mr. Speaker. We brought back boatloads of materials, nuclear material down at Oakridge which Secretary Abraham showed off to the people of America just a week ago. Nuclear fuel rods back to Russia, chemical agents and precursors, mustard gas that we are now destroying. The material to build weapons of mass destruction were in the hands of Moammar Kadafi; and here he was telling his people, No longer do we need or do we want these kinds of materials.

And then he went on to say, Mr. Speaker, in this amazing speech that America was never an enemy of Libya. He said, If America was our enemy, they would have taken us over. When we kicked them out of their military base in Tripoli, they would have stopped us and would have kept their position there, their troops there, and they would have attempted or would have successfully dominated our people and our country; but America did not do that.

And so for 90 minutes, Mr. Speaker, in a speech that largely went unheard outside of Libya and the Middle East, which is a terrible tragedy, Moammar Kadafi did a 180 degree turnaround. Amazing, Mr. Speaker.

But what was so disappointing is there were no headlines in the paper the next day. In fact, the only Washington reporter in the room that night was a reporter that I was able to get into the country, Ken Timmerman who writes for UPI and the Washington Times. Ken Timmerman on his own, because he could not fly with us on our plane, flew 36 hours and arrived in Libya at 4:00 a.m. in the morning. He went to all of our meetings. Nothing was closed. And I was able to get him a meeting personally with Colonel Kadafi. He asked all the tough questions, and he laid it all out in the Washington Times. But it was not in The Washington Post. It was not in New York Times. It was not in the Philadelphia Enquirer. It was not in the major newspapers of America, Mr. Speaker, this major change put forth by Moammar Kadafi. I would hope it

was not because of bias, and I have really criticized the White House for not coming out and taking credit for this dramatic turnaround of our former enemy.

The liberals left over from previous administrations are already starting to write their op-eds; it was not because of President Bush's policy. Let me tell the Members, Mr. Speaker, none of those who wrote those op-eds sat where I did for 2½ hours across the seat from Moammar Kadafi. So all of their rhetoric is just that, rhetoric. I sat across from Moammar Kadafi in his den, and I met with him for 45 minutes alone with his interpreter; and I, Mr. Speaker, as much as anyone else on this planet know what was in Moammar Kadafi's mind when he made the decision. And for those pundits who are today suggesting that it had nothing to do with our activities in Iraq and Afghanistan, I would say, Mr. Speaker, they are full of you know what. They are simply attempting to politicize a result that was, to a large extent, caused by the foreign policy of our President.

Mr. Speaker, I would grant to those colleagues assembled in our body here that that was not the only reason; but Moammar Kadafi himself told me that he realized that it was not worth the risk of having America come in and do to him what we did to Saddam Hussein. There were other issues. The influence of his 31-year-old son, Saif Islam Al Kadafi, had a major impact on his father. The need for a modernization of the Libyan economy had a major impact. But for someone to say, as various people have done in op-eds running around the country, that the foreign policy of this President had nothing to do with Moammar Kadafi's decision, they are just lying. They are naive. In fact, they are stupid. And I can say that, Mr. Speaker, because I am the only American that has sat across from Moammar Kadafi in the last 2 months, for 2 hours and 45 minutes in one sitting and another hour in a second sitting. I understand what caused the decision.

Mr. Speaker, after the speech there was a huge round of applause from the assembled Libyan citizens in the auditorium and again the speech was carried live on Libyan TV; then they ushered our delegation back to the auditorium where they wanted us to greet Colonel Kadafi. Representatives from over 100 nations were following us all over the world. The Chinese had a delegation headed by the leader of their Parliament, the European Parliament, the French Parliament, all the African countries, the Middle Eastern countries, South America, Europe, Russia. They were all there. Even North Korea was there, Mr. Speaker.

They put us up at the front of the line, the Americans. I walked up and put my hand out to shake Colonel Kadafi's hand; and I said, Your speech was extremely impressive. I think it will go down in history as a major event that will impact the world.

He said, Congressman, I sat in the back in my office in the back of the auditorium and listened to your speech, and I enjoyed it very much.

And I said, Would you do me the honor of signing my speech?

So, Mr. Speaker, on that night of March 2, after 29 years, Colonel Kadafi, in front of our delegation and those with us from other nations, signed the speech. After he signed the speech, Mr. Speaker, he admired a pin that I had on my lapel. When we travel on CODELs, as all of our colleagues know, we wear the pin of our country and the pin of the flag of the country we are visiting. Our military escorts had given us pins with the American-Libyan flag interconnected. Kadafi admired the one on my lapel. I took it off, and I handed it to him. I said, Here, this is for you.

He put it in his hand and thanked me. And his top assistant standing next to him, who is a personal friend of mine, looked at me and said, Congressman, put the pin on his lapel.

So, Mr. Speaker, after 29 years of hatred between America and Libya, after bombings and killings that have killed innocent people, Moammar Kadafi wore the pin with the American flag and told us that he would follow through on each and every commitment that he had made to our State Department and to our President. In fact, it was amazing as all the delegations behind us, including the French, had to shake Kadafi's hand while the flag of America emblazoned his lapel.

Our delegation, Mr. Speaker, was bipartisan; and our delegation consisted of Democrats and Republicans from throughout the country who were there for this historical evening and this historical speech.

It is just a national tragedy, Mr. Speaker, an international tragedy, that the media throughout the world did not cover this event, did not have the photographs, did not have the text of what Moammar Kadafi told his people. But we will tell the story, Mr. Speaker, and we will go around and continue to support this administration in removing the weapons of mass destruction material that Kadafi has been giving us through his government.

This week, Mr. Speaker, Majid Al-Mansouri is in America. He is visiting with our leaders. He is interacting with Members of Congress, and he is here as a private citizen but a close adviser to both Prime Minister Ghanem and Saif Islam Al Kadafi to establish contacts with Americans. So I will be calling upon our colleagues in this body to spend some time with Majid Al-Mansouri as he describes in detail the efforts now under way.

Secretary Burns visited Libya last week and has begun the formal process of moving toward establishing an embassy in Tripoli and an embassy here in Washington.

Mr. Speaker, this is an unbelievable story. I wish the White House would take more credit. Typically, politicians are always taking credit for things

they had nothing to do with, and here is our President not even talking about the historical nature of Kadafi's turnaround. That is why I am here tonight, Mr. Speaker. I am here because the American media has not told the story except for the Washington Times and Ken Timmerman. And I am here to tell all those cynics that the turnaround is real. We must encourage this turnaround, continue to support the Lybians as the Kadafi Foundation fights for human rights, fights for the kind of health care needs, fights for the continuation of movement toward free and fair elections that we take for granted sometimes in this country.

Two stories, Serbia and Libya, that need to be told in every newspaper in America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today on account of personal reasons.

Ms. KILPATRICK (at the request of Ms. PELOSI) for today on account of personal business.

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today and until noon March 30 on account of official business in the district.

Mr. HULSHOF (at the request of Mr. DELAY) for today and March 30 on account of a family emergency.

Mr. OSE (at the request of Mr. DELAY) for today on account of family reasons.

Mr. PORTMAN (at the request of Mr. DELAY) for today on account of the death of a family member.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. MCCOTTER, for 5 minutes, March 31.

Mr. BURTON of Indiana, for 5 minutes, today and March 30, 31, and April 1 and 2.

Mr. BURGESS, for 5 minutes, March 31.

Ms. PRYCE of Ohio, for 5 minutes, today.

Mr. SOUDER, for 5 minutes, today and March 30.

Mr. HENSARLING, for 5 minutes, March 31.

Mrs. BLACKBURN, for 5 minutes, today.

Mr. CARTER, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, March 31.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3926. An act to amend the Public Health Service Act to promote organ donation, and for other purposes.

H.R. 1997. An act to amend title 18, United States Code, and the Uniform Code of Military Justice to protect unborn children from assault and murder, and for other purposes.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until tomorrow, March 30, 2004, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7288. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final "Major" rule—Meat Produced by Advanced Meat/ Bone Separation Machinery and Meat Recovery (AMR) Systems [Docket No. 03-0381F] (RIN: 0583-AC51) received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7289. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Prohibition of the Use of Certain Stunning Devices Used to Immobilize Cattle During Slaughter [Docket No. 01-0331F] received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7290. A letter from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting the Department's final rule—Prohibition of the Use of Specified Risk Materials for Human Food and Requirements for the Disposition of Non-Ambulatory Disabled Cattle [Docket No. 03-0251F] received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7291. A letter from the Administrator, Food Safety and Inspection Service, Depart-

ment of Agriculture, transmitting the Department's final rule—Transfer of Voluntary Inspection of Egg Products Regulations [Docket No. 01-031F] (RIN: 0583-AC94) received March 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7292. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ammonium Bicarbonate; Exemption from the Requirement of a Tolerance [OPP-2004-0001; FRL-7341-3] received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7293. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting notification of the 2004 compensation program adjustments, including the Agency's current salary range structure and the performance-based merit pay matrix; to the Committee on Agriculture.

7294. A letter from the Principal Deputy, Department of Defense, transmitting notification of the Department's intention to convert the combined commissary and exchange store at Orlando, FL, effective 90 days after the date of this letter; to the Committee on Armed Services.

7295. A letter from the Acting Under Secretary, Department of Defense, transmitting the annual report on operations of the National Defense Stockpile (NDS) in accordance with section 11(a) of the Strategic and Critical Materials Stock Piling Act as amended (50 U.S.C. section 98h-2) detailing NDS operations during FY 2003; to the Committee on Armed Services.

7296. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's STARBASE Program 2003 Annual Report, pursuant to 10 U.S.C. 2193b(g); to the Committee on Armed Services.

7297. A letter from the Secretary, Federal Trade Commission, transmitting the Twenty-Sixth Annual Report to Congress consistent with Section 815 of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Financial Services.

7298. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Human Reliability Program [Docket No. S)-RM-00-HRP] (RIN: 1992-AA29) received March 1, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7299. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Financial Assistance Rules (RIN: 1991-AB66) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7300. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Illinois; Definition of Volatile Organic Material and Volatile Organic Compound [IL218-01a, FRL-7635-5] received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7301. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Control of Emission of Oxides of Nitrogen (NO_x) From Cement Kilns [TX-164-1-7622; FRL-7638-5] received 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7302. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State

Implementation Plans; Illinois [IL219-1a; FRL-7632-7] received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7303. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Ohio; Approval of Revision to Oxides of Nitrogen Regulations [OH160-1a; FRL-7632-4] received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7304. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nitrogen Oxides Allowance Allocations for 2006-2007, and Revisions to Set-Aside Requirements [MD145/154-3104; FRL-7634-6] received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7305. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Louisiana [LA-69-2-7617a; FRL-7638-7] received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7306. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Research, Development, and Demonstration Permits for Municipal Solid Waste Landfills [F-2001-RDMP-0044; FRL-7637-9] (RIN: 2050-AE92) received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7307. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Yolo-Solano Air Quality Management District [CA 287-0416a; FRL-7636-7] received March 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7308. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Constitution and laws of the United States, including the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 Act (Pub. L. 108-106), the President's determination that the Government of Pakistan is cooperating with the United States in the Global War on Terrorism; to the Committee on International Relations.

7309. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-409, "Vector-Borne Infectious Diseases Control Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7310. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-408, "Millicent Allewelt Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7311. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-397, "Enforced Leave Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7312. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-396, "Low-Income, Long-Term Homeowner's Protection Clarification Temporary Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7313. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-395, "Depreciation Allowance for Small Business De-Coupling from the Internal Revenue Code Temporary Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7314. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-394, "Owner-Occupant Residential Tax Credit and Homestead Deduction Temporary Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7315. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-393, "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Temporary Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7316. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-392, "Georgetown Project Second Temporary Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7317. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-391, "Interim Disability Assistance Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7318. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-390, "Choice in Drug Treatment Advisory Commission Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7319. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-410, "AccessRx Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7320. A letter from the Coordinator, Forms Committee, Federal Election Commission, transmitting revised instructions for FEC Form 1M, along with their Explanation and Justification; to the Committee on House Administration.

7321. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting a proposed plan under the Indian Tribal Judgment Funds Act, 25 U.S.C. 1401 et seq., as amended, for the use and distribution of the Assiniboine and Sioux Tribes of the Fort Peck Reservation (Tribe) judgment fund in Docket 773-87-L; to the Committee on Resources.

7322. A letter from the President and Chief Executive Officer, National Railroad Passenger Corporation, transmitting Amtrak's Grant and Legislative Request for FY04 and other materials, pursuant to 49 U.S.C. 24315(a); to the Committee on Transportation and Infrastructure.

7323. A letter from the Commissioner, Social Security Administration, transmitting a draft bill entitled, "To temporarily extend the period of time-limited eligibility of qualified aliens for supplemental security income benefits"; to the Committee on Ways and Means.

7324. A letter from the United States Trade Representative, transmitting the report of the Advisory Committee on Trade Policy and Negotiations, and the other policy, sectoral, and functional advisory committees duly constituted under said Acts, on the proposed free trade agreement between the United States and Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, pursuant to 19 U.S.C. 2155(e)(1); to the Committee on Ways and Means.

7325. A letter from the United States Trade Representative, transmitting the reports of the Advisory Committee for Trade Policy and Negotiations, and the policy, sectoral, and functional trade advisory committees chartered under those Acts, on the U.S.-Australia Free Trade Agreement, pursuant to 19 U.S.C. 2155(e)(1); to the Committee on Ways and Means.

7326. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting a report, prepared on behalf of the President, on progress in Kosovo toward achieving militarily significant benchmarks during the period July 1 to December 31, 2003, pursuant to Public Law 106-398, section 1212(c); jointly to the Committees on Armed Services, International Relations, and Appropriations.

7327. A letter from the Secretary, Department of Transportation, transmitting a proposed bill entitled, "To authorize appropriations for the motor vehicle safety and information and cost savings programs of the National Highway Traffic Safety Administration for fiscal years 2005-2007, and for other purposes"; jointly to the Committees on Energy and Commerce, Transportation and Infrastructure, and Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. MYRICK: Committee on Rules. House Resolution 580. Resolution providing for the consideration of the bill (H.R. 3966) to amend title 10, United States Code, and the Homeland Security Act of 2002 to improve the ability of the Department of Defense to establish and maintain Senior Reserve Officer Training Corps units at institutions of higher education, to improve the ability of students to participate in Senior ROTC programs, and to ensure that institutions of higher education provide military recruiters entry to campuses and access to students that is at least equal in quality and scope to that provided to any other employer (Rept. 108-451). Referred to the House Calendar.

DISCHARGE OF COMMITTEES

Pursuant to clause 2 of rule XII the Committees on Education and the Workforce, Energy and Commerce, the Judiciary, Resources and Science discharged from further consideration. H.R. 3550 committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3550. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with an amendment; referred to the Committees on Education and the Workforce, Energy and Commerce, Judiciary, Resources, and Science for a period ending not later than March 29, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1, rule X. (Rept. 108-452, Pt. 1) Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. VITTER:

H.R. 4050. A bill to establish a demonstration project to begin correcting structural bridge deficiencies; to the Committee on Transportation and Infrastructure.

By Mr. FILNER:

H.R. 4051. A bill to amend title 38, United States Code, to permit eligible veterans to receive direct access to chiropractic care; to the Committee on Veterans' Affairs.

By Mr. DELAHUNT (for himself, Mr. YOUNG of Alaska, Mr. GILCHREST, Mr. SIMMONS, Mr. ALLEN, Mr. VAN HOLLEN, Mr. SERRANO, Ms. BORDALLO, Mr. JONES of North Carolina, Mr. ORTIZ, and Mr. CANNON):

H.R. 4052. A bill to increase the number of aliens who may receive certain non-immigrant status during fiscal year 2004 and to require submissions of information by the Secretary of Homeland Security; to the Committee on the Judiciary.

By Mr. LANTOS (for himself and Mr. DREIER):

H.R. 4053. A bill to improve the workings of international organizations and multilateral institutions, and for other purposes; to the Committee on International Relations.

By Mr. WEINER:

H.R. 4054. A bill to require the establishment of regional consumer price indices to compute cost-of-living increases under the programs for Social Security and Medicare and other medical benefits under titles II and XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Tennessee (for himself and Mr. DUNCAN):

H. Con. Res. 400. Concurrent resolution expressing the sense of the Congress that the United States flag flown over the United States Capitol should be lowered to half-mast one day each month in honor of the brave men and women from the United States who have lost their lives in military conflicts; to the Committee on House Administration.

By Mr. TOM DAVIS of Virginia (for himself, Mr. WOLF, Mr. HOYER, Mr. MORAN of Virginia, Mrs. JO ANN DAVIS of Virginia, Mr. WAXMAN, Mr. DAVIS of Illinois, Mr. LATOURETTE, Mrs. CAPITO, Mr. MCHUGH, Mrs. MALONEY, Mr. PLATTS, Ms. NORTON, Mr. VAN HOLLEN, Mr. YOUNG of Alaska, Mr. TURNER of Ohio, Mr. COLE, Mr. LEWIS of Kentucky, Mr. MILLER of Florida, Mr. QUINN, Mr. GILCHREST, and Mr. RUPPERSBERGER):

H. Res. 581. A resolution expressing the sense of the House of Representatives regarding rates of compensation for civilian employees and members of the uniformed services of the United States; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of

such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself, Mrs. MALONEY, Mr. FOSSELLA, Mr. TOWNS, Mr. ISRAEL, Mr. SWEENEY, Mr. McNULTY, Mr. BISHOP of New York, Mr. SERRANO, Mrs. LOWEY, Mr. BERMAN, Mr. ACKERMAN, Mr. FROST, Mr. MCHUGH, Mr. HINCHEY, Mr. WEXLER, Mr. BOEHLERT, Mr. CROWLEY, Mr. NADLER, and Mr. WEINER):

H. Res. 582. A resolution congratulating The Jewish Museum on its 100th anniversary; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

263. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the United States Congress to enact legislation creating national energy policies resulting in the development of new sources of natural gas supplies for use by citizens and businesses; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. KUCINICH introduced a bill (H.R. 4055) for the relief of Amina Silmi; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Ms. JACKSON-LEE of Texas.
H.R. 467: Mr. GRIJALVA and Mr. WAXMAN.
H.R. 476: Mr. BEREUTER.
H.R. 548: Mr. KING of Iowa, Ms. PELOSI, Ms. JACKSON-LEE of Texas, Mr. CHANDLER, and Mr. SCHIFF.
H.R. 814: Mr. CARDOZA.
H.R. 876: Ms. MAJETTE.
H.R. 933: Mr. UDALL of Colorado.
H.R. 992: Mr. VITTER.
H.R. 993: Mr. VITTER.
H.R. 994: Ms. VITTER.
H.R. 1098: Mrs. MUSGRAVE.
H.R. 1101: Mr. FROST and Mr. OBERSTAR.
H.R. 1160: Mr. FARR.
H.R. 1306: Ms. NORTON.
H.R. 1508: Mr. HILL and Mr. WEXLER.
H.R. 1613: Mr. McDERMOTT, Mr. STRICKLAND, Mr. TIERNEY, Mr. BACA, Mr. FILNER, Mr. LATOURETTE, Mr. CARDOZA, Mr. GUTIERREZ, Ms. KAPTUR, and Mr. RODRIGUEZ.
H.R. 1653: Mr. WALDEN of Oregon.
H.R. 1678: Mr. GALLEGLY.
H.R. 1767: Mr. NUNES.
H.R. 1769: Mr. PALLONE and Mr. DOYLE.
H.R. 2402: Mr. BRADY of Pennsylvania and Mr. BOUCHER.
H.R. 2440: Ms. LINDA T. SANCHEZ of California.

H.R. 2442: Mr. PETERSON of Minnesota, Mr. SMITH of Washington, Mr. PALLONE, Mr. LAMPSON, Mr. WYNN, Mr. SIMMONS, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mr. MCINTYRE, Mr. ABERCROMBIE, Mr. HONDA, Mr. SANDLIN, Ms. MCCOLLUM, and Mr. LAHOOD.

H.R. 2485: Mr. WU.

H.R. 2511: Mr. WOLF and Mr. WEINER.

H.R. 2536: Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOYER, Mr. MCGOVERN, Mr. GUTIERREZ, and Mr. EVANS.

H.R. 2681: Mr. FARR and Mr. WEINER.

H.R. 2905: Mrs. MUSGRAVE and Ms. BALDWIN.

H.R. 2952: Mr. INSLEE.

H.R. 2987: Mr. PAYNE.

H.R. 3104: Ms. GRANGER.

H.R. 3266: Mr. RUPPERSBERGER.

H.R. 3416: Mr. SANDERS.

H.R. 3507: Mr. HOLT.

H.R. 3598: Mrs. JOHNSON of Connecticut, Mr. PLATTS, Mr. MCGOVERN, Mr. McNULTY, Mr. HOUGHTON, Mr. WALDEN of Oregon, Mr. GINGREY, Mr. GILCHREST, and Mr. HINOJOSA.

H.R. 3763: Mr. COLE, Ms. VELAZQUEZ, Mr. SMITH of Texas, Mr. TANCREDI, Mr. GREENWOOD, Mr. CUMMINGS, Mr. NETHERCUTT, and Mr. CHANDLER.

H.R. 3778: Mr. TOOMEY.

H.R. 3784: Mr. PAUL, Mr. CULBERSON, and Mr. CALVERT.

H.R. 3800: Mr. DAVIS of Tennessee.

H.R. 3824: Mr. HAYWORTH.

H.R. 3881: Ms. LORETTA SANCHEZ of California, Mr. DOYLE, Mr. HOYER, Ms. KILPATRICK, Mr. BOUCHER, Mr. WU, Mr. NADLER, Mr. WEXLER, Ms. HOOLEY of Oregon, Mr. KENNEDY of Rhode Island, Mr. EMANUEL, and Mr. MORAN of Virginia.

H.R. 3888: Mr. FRANK of Massachusetts.

H.R. 3889: Mr. REGULA, Mr. PETERSON of Minnesota, Mr. SMITH of New Jersey, and Mrs. MYRICK.

H.R. 3916: Mr. GILLMOR.

H.R. 3961: Mr. TERRY.

H.R. 3963: Mr. KUCINICH.

H.R. 3978: Mr. CALVERT.

H.R. 4026: Mr. WALDEN of Oregon and Mr. HALL.

H. Con. Res. 99: Mr. SMITH of Washington.

H. Con. Res. 111: Mr. WALDEN of Oregon, Mr. THOMPSON of Mississippi, and Ms. HOOLEY of Oregon.

H. Con. Res. 276: Mr. EVANS and Mr. JACKSON of Illinois.

H. Con. Res. 310: Mr. GINGREY.

H. Con. Res. 352: Mr. BROWN of Ohio, Ms. BERKLEY, and Mr. ACKERMAN.

H. Con. Res. 366: Ms. DELAURO, Mr. BLUMENAUER, Ms. BERKLEY, Mr. ROTHMAN, Mr. RUSH, Mr. BERRY, and Mr. EDWARDS.

H. Con. Res. 367: Mr. ISAKSON.

H. Con. Res. 369: Mr. LEWIS of Georgia.

H. Con. Res. 371: Mr. BOEHNER, Mr. CARDIN, Mr. GRAVES, Mr. BURTON of Indiana, and Mr. SHAW.

H. Con. Res. 386: Mr. WICKER.

H. Con. Res. 391: Mr. SPRATT.

H. Con. Res. 392: Mr. GEORGE MILLER of California, Ms. ESHOO, Mr. ABERCROMBIE, Mr. KUCINICH, Mr. CLAY, and Mr. DEFazio.

H. Res. 313: Mr. BEREUTER.

H. Res. 558: Mr. GALLEGLY, Mr. HEFLEY, and Ms. HARRIS.

H. Res. 565: Mr. CALVERT and Ms. HARRIS.

H. Res. 570: Mr. SERRANO.

H. Res. 575: Mr. BEREUTER and Mr. CASE.

H. Res. 576: Mr. SANDLIN, Mr. NEY, Ms. HARRIS, Mr. PAYNE, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. BURTON of Indiana, Mr. LEACH, Mr. WEXLER, Ms. LEE, and Mr. SHERMAN.